

Culbertson

East to North Dakota

Environmental Assessment

& Section 4(f) Evaluation



ENVIRONMENTAL ASSESSMENT
for
MT 1-10(61)645
Culbertson – East to North Dakota
(Control Number 6388)
in
Roosevelt County, Montana

This document is prepared in conformance with the Montana Environmental Policy Act (MEPA) requirements and contains the information required for an Environmental Assessment under the provisions of ARM 18.2.237(2) and 18.2.239. It is also prepared in conformance with National Environmental Policy Act (NEPA) requirements for an Environmental Assessment under 23 CFR 771.119, and Section 4(f) of the U.S. Department of Transportation Act under 23 CFR 771.135.

Submitted pursuant to 42 U.S.C. 4332(2)(c), 49 U.S.C. 303, Sections 75-1-201 & 2-3-104, M.C.A.,
and Executive Orders 11990, 11988, and 12898, by the

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION

AND THE

MONTANA DEPARTMENT OF TRANSPORTATION

Submitted by:



Montana Department of Transportation

Date:

2/21/08

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Abstract: The proposed action is to reconstruct an approximately 22-mile section of US Highway 2 in Roosevelt County to be a four-lane facility. Proposed work would generally involve reconstruction or rehabilitation of the existing two lanes and construction of an additional two lanes and a depressed median. The proposed project would begin at the intersection with Montana Highway 16 north in Culbertson and extend easterly to the North Dakota state line east of Bainville. The primary purpose of the proposed project is to ensure system continuity and roadway configuration consistency with existing segments of the Theodore Roosevelt Expressway and north/south connecting corridors. In addition to satisfying the need for system continuity, a four-lane facility would also provide benefits related to improved level of service, improved safety, support for anticipated economic growth, and updated roadway design.

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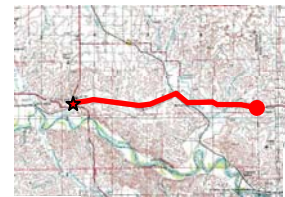
www.mdt.mt.gov/pubinvolve/eis_ea.shtml

Public comments on this Environmental Assessment may also be submitted at this website address.

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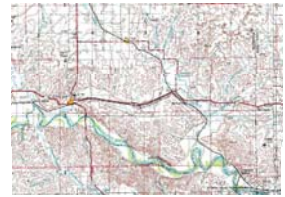
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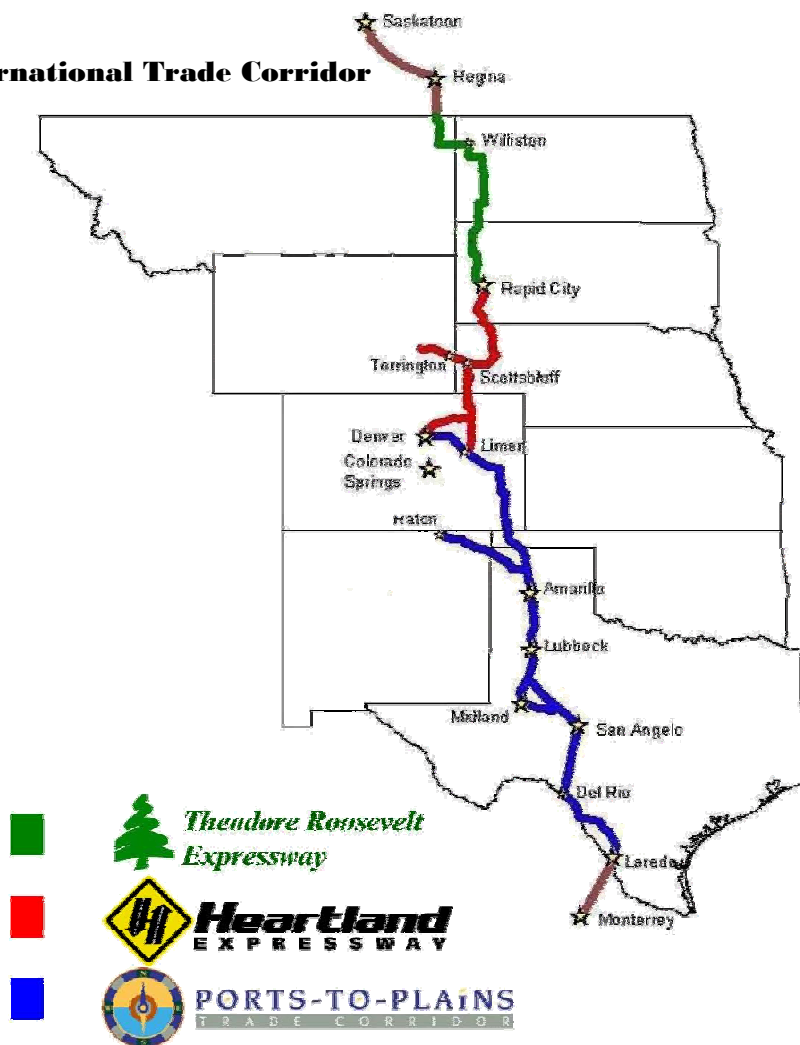
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1.0 PURPOSE OF AND NEED FOR ACTION

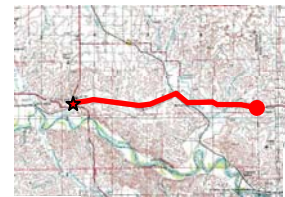
1.1 History and Background

The United States Congress designated the Theodore Roosevelt Expressway as a high priority corridor on the National Highway System in 2005 with the passage of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU). As illustrated in Figure 1-1, the Theodore Roosevelt Expressway is a portion of the Great Plains International Trade Corridor extending from Mexico to Canada. From the south, the Ports to Plains Trade Corridor begins at the Mexico border in Laredo, Texas and extends north to Denver, Colorado. In Denver, the corridor connects with the Heartland Expressway that then extends north to Rapid City, South Dakota. In Rapid City, the corridor connects with the Theodore Roosevelt Expressway that finally extends north to Port of Raymond, Montana at the Canadian border.

Figure 1-1
Great Plains International Trade Corridor



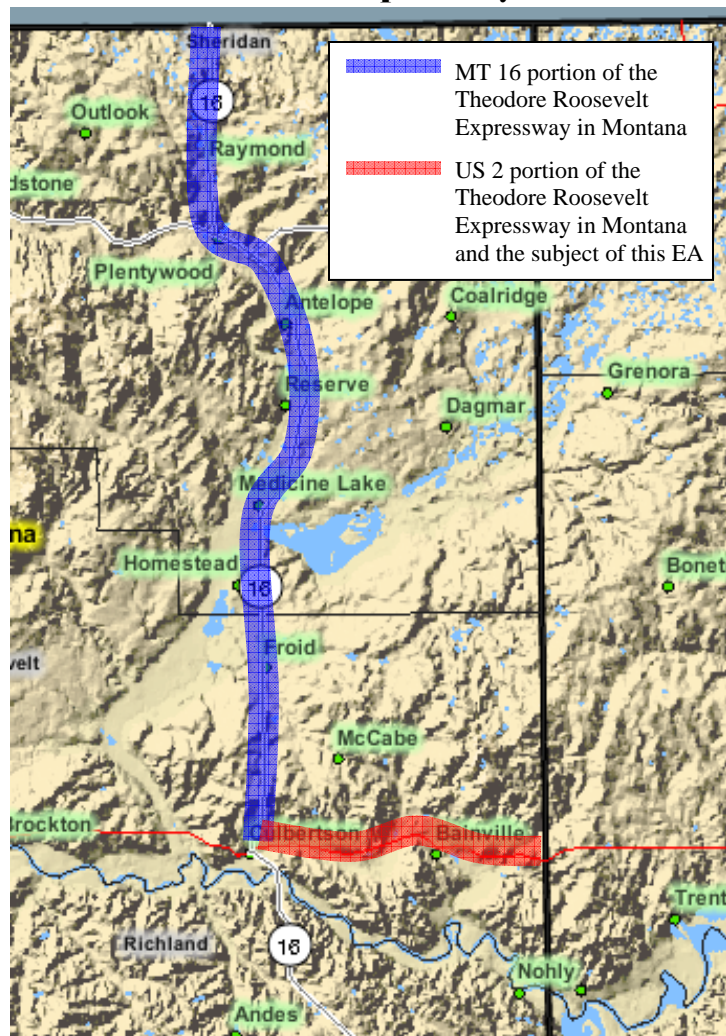
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The portion of the Theodore Roosevelt Expressway that lies within the State of Montana, was the subject of a previous study to determine what economic, regulatory, or operational changes would result in traffic and safety conditions that would warrant building a four-lane highway on the Montana portion. That study, called the US 2/MT 16 Transportation Regional Economic Development (TRED) Study, provided quantitative and qualitative assessments of future conditions, traffic volumes, and safety performance along the study corridor to assist Montana Department of Transportation (MDT) and Federal Highway Administration (FHWA) in decisions about future highway improvements along this corridor.¹

Figure 1-2
Theodore Roosevelt Expressway in Montana

As illustrated in Figure 1-2, the TRED Study examined MT 16 from the Port of Raymond at the Saskatchewan, Canada border to Culbertson, and US 2 from Culbertson to the North Dakota border. The scope of this Environmental Assessment (EA) is limited to the US 2 portion of the Theodore Roosevelt Expressway between Culbertson and the North Dakota state line. Four-lane continuity on the entire Theodore Roosevelt Expressway would ultimately require reconstruction of the MT 16 portion from Culbertson to Port of Raymond. Although the MT 16 reconstruction is not part of the scope of the currently proposed project, potential impacts from that reconstruction are evaluated as “Cumulative Impacts” in Chapter 3 of this EA.



A portion of the US 2 corridor (from Bainville to the North Dakota state line) has been investigated and approved under a Categorical Exclusion (*Bainville – East & West*; NH 1-10-(29)656; (CN 2145) approved 11-18-05) for the final design and construction of an improved two-lane facility. The proposed project will not affect the schedule for the *Bainville – East & West* project which is currently scheduled for construction in 2009.

¹ TRED – Executive Summary, pg. 2

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Pursuant to federal regulations regarding statewide planning (23 CFR 450.212), this EA is building on the early planning efforts contained in the TRED Study. In accordance with the guidance at 23 CFR 450.212(a), the TRED Study has provided the basis for the following:

- (1) Purpose and Need;
- (2) General travel corridor;
- (3) Preliminary screening of alternatives;
- (4) Basic description of the environmental setting; and
- (5) Preliminary identification of environmental impacts and environmental mitigation.

1.2 Project Area Description

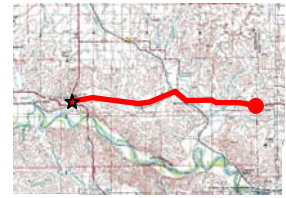
As illustrated in Figure 1-3, the proposed project is located in extreme northeastern Montana along US 2. The proposed project begins at the intersection with Montana Highway 16 in Culbertson (approximately RP 645) and extends approximately 22 miles eastward to the North Dakota state line east of Bainville (approximately RP 667).

The Montana portion of the proposed project is located entirely within Roosevelt County within the following legal description:

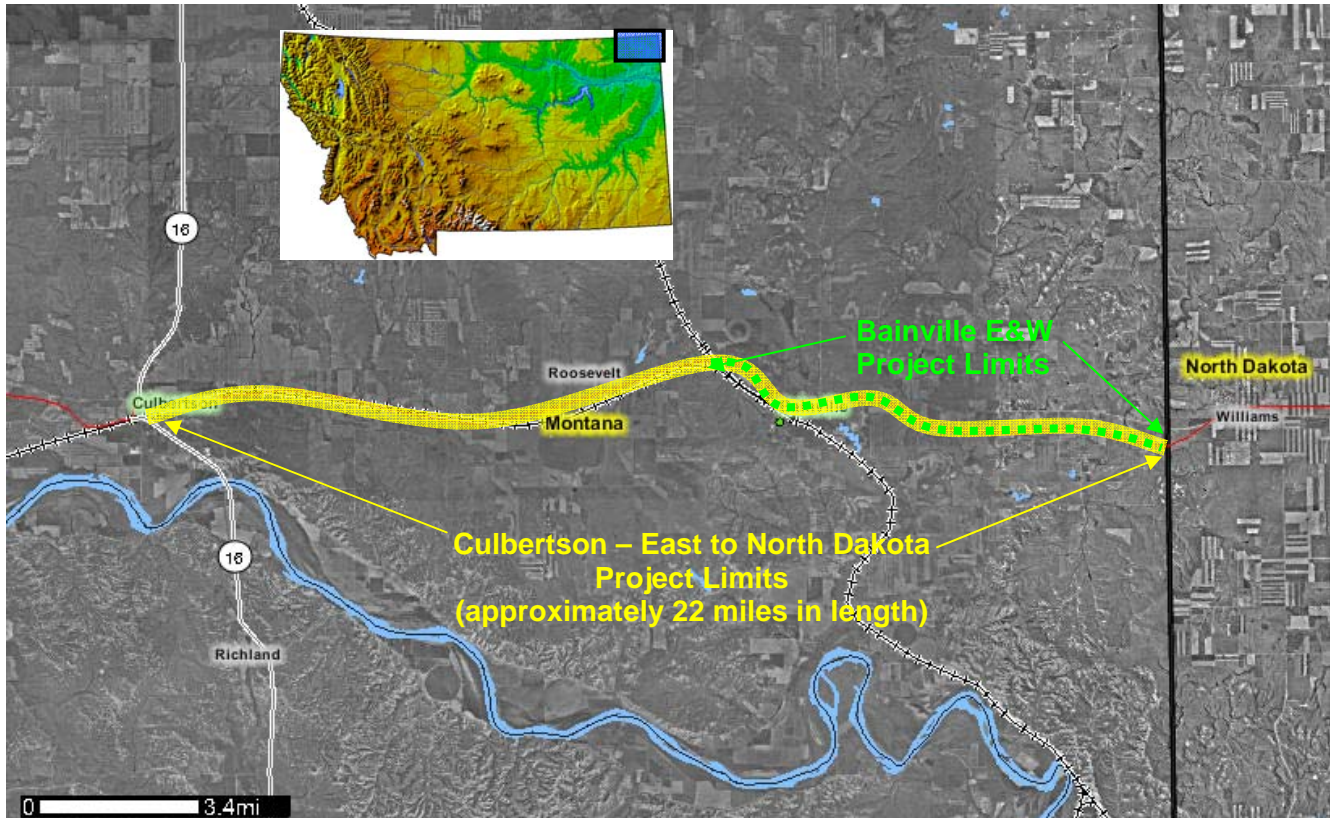
<u>Township</u>	<u>Range</u>	<u>Section(s)</u>
28 N	56 E	25, 26, 27, 28, 29
28 N	57 E	25, 26, 28, 29, 30, 33, 34, 35
28 N	58 E	20, 21, 25, 26, 27, 28, 29, 30
28 N	59 E	27, 28, 29, 30, 31, 32, 33, 34, 35

The actual construction limits may extend into North Dakota to taper the four-lane section down into the current two-lane configuration across the state line. Final decisions on whether this taper would occur in Montana or North Dakota will depend on funding sources and availability. Those decisions will be made in coordination with the North Dakota DOT and the FHWA-North Dakota Division office.

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**Figure 1-3
General Project Location**



MDT and FHWA have determined that the major intersection with MT 16 on the west and the state line on the east represent logical termini for this proposed project and that this investment of federal money has independent utility even if no other improvements are made to US 2 or MT 16.

1.3 Proposed Action

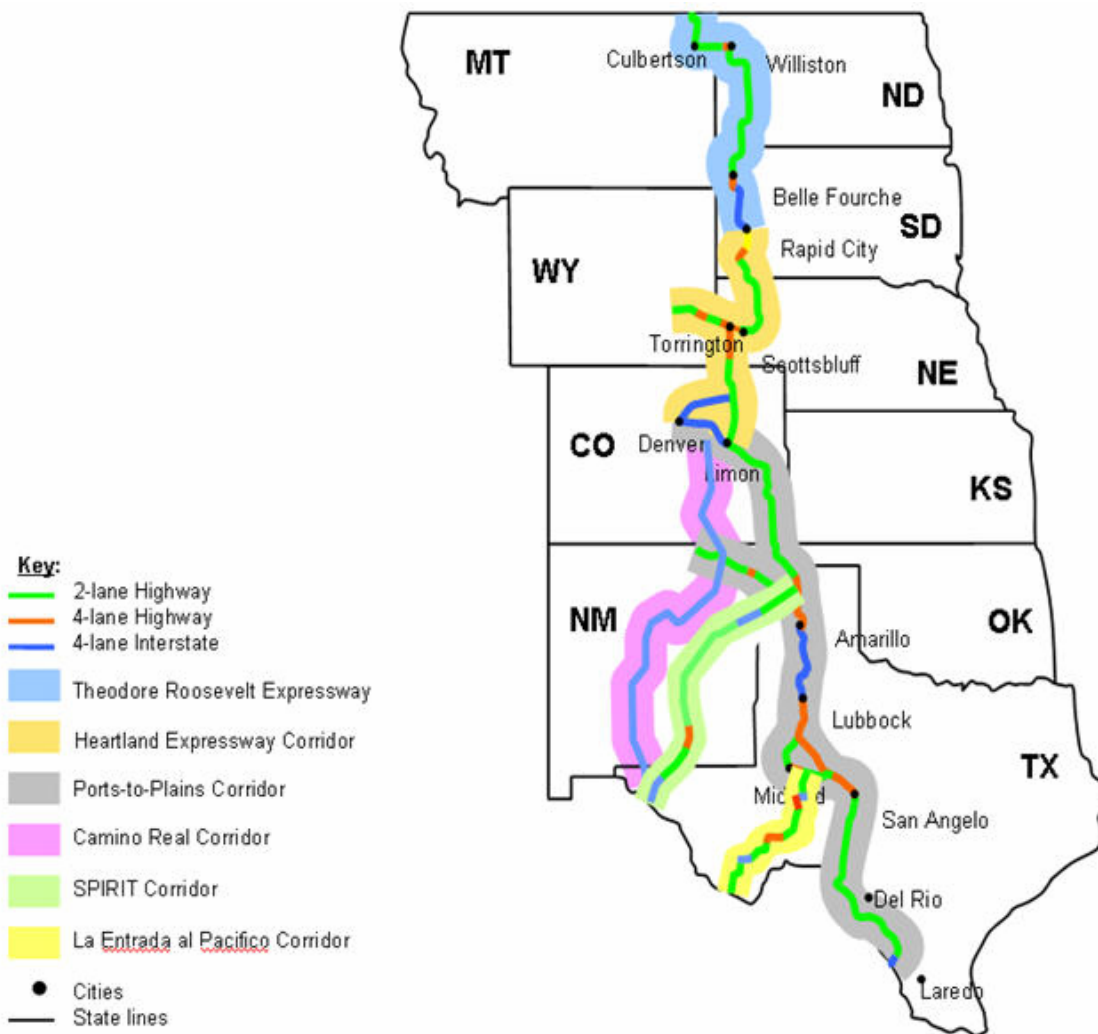
Based on results of the TRED Study including technical analysis, public input, and an analysis of alternatives, MDT has identified a four-lane highway from the intersection of MT 16 (north) in Culbertson to the North Dakota state line as the Proposed Action in this corridor. This would involve reconstruction or rehabilitation of the existing two lanes to current standards generally following the existing alignment. Two additional lanes and a depressed median would be constructed immediately parallel where possible. The median would be eliminated in environmentally sensitive areas or urban areas. Current MDT design standards would be followed to the greatest extent practicable; however, design exceptions may be sought to minimize impacts during the final design phase.

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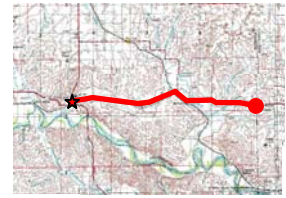
1.4 Purpose of the Proposed Action

The purpose of the proposed project is to ensure transportation system continuity and roadway configuration consistency with existing segments of the Theodore Roosevelt Expressway as illustrated in Figure 1-4. MDT has determined that a four lane facility would also provide safety benefits greater than those of a No-Build scenario, accommodate regional economic development, and address existing roadway design deficiencies.² While not part of the purpose of the proposed project, these attributes are viewed as ancillary benefits of a four lane facility.

Figure 1-4
Four-lane Segments Along North-South Trade Corridors



² TRED – Executive Summary, pg. 5



1.5 Need for the Proposed Action

A four-lane system along the corridor would be important for regional system continuity reasons, such as:

Strategic – Four-lane continuity ensures the true interconnectivity of national corridors linking markets from Mexico through key states like Texas and Colorado all the way to Canada. Given the capacity at the Port of Raymond and the growth of the region, the four-lane continuity will strategically position the corridor as a freight corridor and as a NAFTA corridor that handles the long term growth.³

Competitiveness – Four-lane continuity positions the corridor as a true alternative, and therefore a competitor, to interstate roadways in the region. The competitiveness of the corridor will be reflected in induced traffic demand and eventually increasing economic development.⁴

User Perception – Four-lane continuity would play a substantive role in driver perception. According to research cited by the TRED Study, a driver's choice for roadway is based more on the perceived level of service rather than the actual level of service. TRED Study interviews also indicated that area citizens perceived the existing roadway as less safe than the data shows and that they think a four-lane roadway would provide safer travel and a good level of service for both personal vehicles and truck traffic. It is this perception that would also lead truck dispatchers as well as logistics and supply chain managers to make this corridor as the segment of choice for their long-haul trucks in the region.⁵

Design Consistency – Four-lane continuity would also ensure design consistency and therefore a synergistic effect on traffic and freight growth along the corridor.⁶

³ TRED – Assessment of Existing Conditions and Future Opportunities, pg. 72

⁴ TRED – Assessment of Existing Conditions and Future Opportunities, pg. 73

⁵ TRED – Assessment of Existing Conditions and Future Opportunities, pg. 73

⁶ TRED – Assessment of Existing Conditions and Future Opportunities, pg. 73

2.0 ALTERNATIVES

This chapter presents a summary of the analysis conducted in the TRED Study and a description of the Preferred Alternative identified by MDT.

2.1 Description of the Alternatives

The TRED Study identified several different improvement options for the Theodore Roosevelt Expressway corridor within Montana. These alternatives ranged from an improved two lane option to a divided four lane option. Based on the results of the TRED Study, which included technical analysis and public input, MDT has determined that a four-lane design is the only alternative that satisfies the purpose and need of system continuity.

This Environmental Assessment (EA) considers the following alternatives:

No-Build – which would entail routine maintenance and the completion of the previously approved *Bainville – East & West* two-lane reconstruct project.

Proposed Action – which would generally be a four-lane highway (divided where conditions allow and undivided in areas where the corridor is more constrained) consisting of two eastbound and two westbound travel lanes, paved shoulders, and a depressed median in the divided portions. Details on the specific dimensions are provided below in Section 2.3.

The Proposed Action is expected to include curb, gutter, and sidewalk in Culbertson. The new four-lane facility would be constructed generally along the existing alignment, including through Culbertson since Montana law prohibits MDT from bypassing incorporated towns without the approval of the local government. As the design process evolves, some minor design adjustments may become necessary to avoid and or minimize environmental impacts.

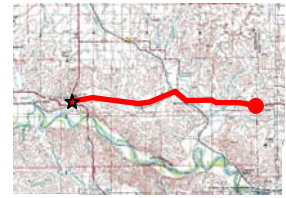
2.2 Analysis of Alternatives

In addition to satisfying the need for system continuity, a four-lane facility would also provide the following benefits:

Level of Service

Level of Service on two-lane rural highways is defined by speed and percent of time spent following other vehicles. As traffic levels increase, particularly with the presence of trucks and heavy vehicles, the amount of time vehicles spend following other vehicles increases. Speeds begin to decline slightly, the freedom to maneuver within the traffic stream is more noticeably limited, and drivers often experience reduced physical and psychological comfort. This decrease in speed and increase in time spent following other vehicles leads to both a decreased level of service and a possible increase in accident rates as drivers seek opportunities to pass. MDT

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established Level of Service B as the objective for this corridor as a principal arterial in level terrain.

The traffic analysis conducted for the TRED Study included existing and projected traffic volumes, large-truck percentages (assumed 30 percent in the design year), percent of passing zones, number of access points (driveways, roads, etc.) per mile, and lane and shoulder width information.⁷

Under aggressive growth assumptions and with no capacity-related improvements, the corridor is anticipated to operate at Level of Service B in the horizon year 2036. While the analysis indicates that traffic operations would be approaching the C range, any improvements in the corridor would achieve the goal of Level of Service B.

Economic Growth

The TRED Study explored the “economic, regulatory, and operational changes in the agricultural, energy production, tourism, freight movement, and retail trade areas that would result in traffic and safety conditions justifying the expansion of the Theodore Roosevelt Expressway corridor in Montana.”⁸ The US 2/MT 16 TRED Study identified potential economic opportunities in the study area based on technical analysis and 120 interviews with local and regional developers and planners, representatives from the grain, energy, and tourism industries, business owners, freight forwarders and carriers, and elected officials. Using a risk analysis process, a panel of local and regional economic experts quantified the likelihood that each opportunity would occur with or without a four-lane corridor. Although the process concluded that more economic growth would occur with a four-lane configuration, it also concluded that the associated increase in truck traffic would not by itself justify a four-lane configuration.

Safety

Crash rates on US 2 and MT 16 were compared to other similar routes and segments across Montana as part of the TRED Study. The comparison indicates that US 2 from Culbertson to the North Dakota state line exceeds the statewide average crash rate and the severity rate. Table 2.1 provides the comparison of US 2 and MT 16 to the statewide averages.

⁷ TRED – Level of Service and Safety, pg. 4

⁸ TRED – Assessment of Existing Conditions and Future Opportunities, pg. 4

Table 2.1
Crash and Severity Rate Comparison⁹

Route Segment	Overall Crash Rate	Overall Severity Rate
US 2 – Culbertson to ND	1.40	3.44
MT 16 – Culbertson to Plentywood	0.63	1.63
MT 16 – Plentywood to Canada	0.15	0.60
<i>Statewide Average</i>	<i>1.24</i>	<i>2.88</i>

Source: *US 2/ MT 16 Transportation Regional Economic Development (TRED) Study*, April 2007.

The TRED Study cited the safety conditions analysis conducted for different lane configurations in the *US 2, Havre to Fort Belknap EIS*. Table 2.2 provides the results of the previous analysis with regard to the difference between the No Build and the Proposed Action.

Table 2.2
Projected Safety Improvements¹⁰

Alternative	Projected Crash Rate	Change from Existing Condition
No-Build	1.51	0
Four-lane undivided	1.22	0.29
Four-lane divided	1.13	0.38

Source: *US 2/ MT 16 Transportation Regional Economic Development (TRED) Study*, April 2007.

Based on this analysis, the four-lane designs provide safety improvements over the No Build alternative, which would lower the crash rate below the statewide average.

Design

The Proposed Action would update the current roadway to be consistent with MDT design criteria for a principal rural arterial in level to rolling terrain. However, design exceptions may be required in an effort to minimize impacts to the surrounding built and natural environments.

2.3 Description of the Proposed Action

MDT has selected the four-lane highway as the Proposed Action in the US 2 corridor from Culbertson to the North Dakota state line.

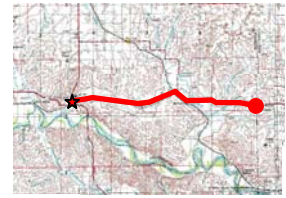
Proposed Project Limits and Alignment

As illustrated in Figure 2-1, the proposed project would likely include both divided and undivided four-lane sections at various locations throughout the corridor. In the westerly portion of the project, from Culbertson to Bainville, the existing facility is expected to be rehabilitated and function as the eastbound lanes with two new lanes added to the north to function as the westbound lanes. From Bainville to the east, the newly reconstructed roadway from the

⁹ TRED – Level of Service and Safety, pg. 8

¹⁰ TRED – Level of Service and Safety, pg. 9

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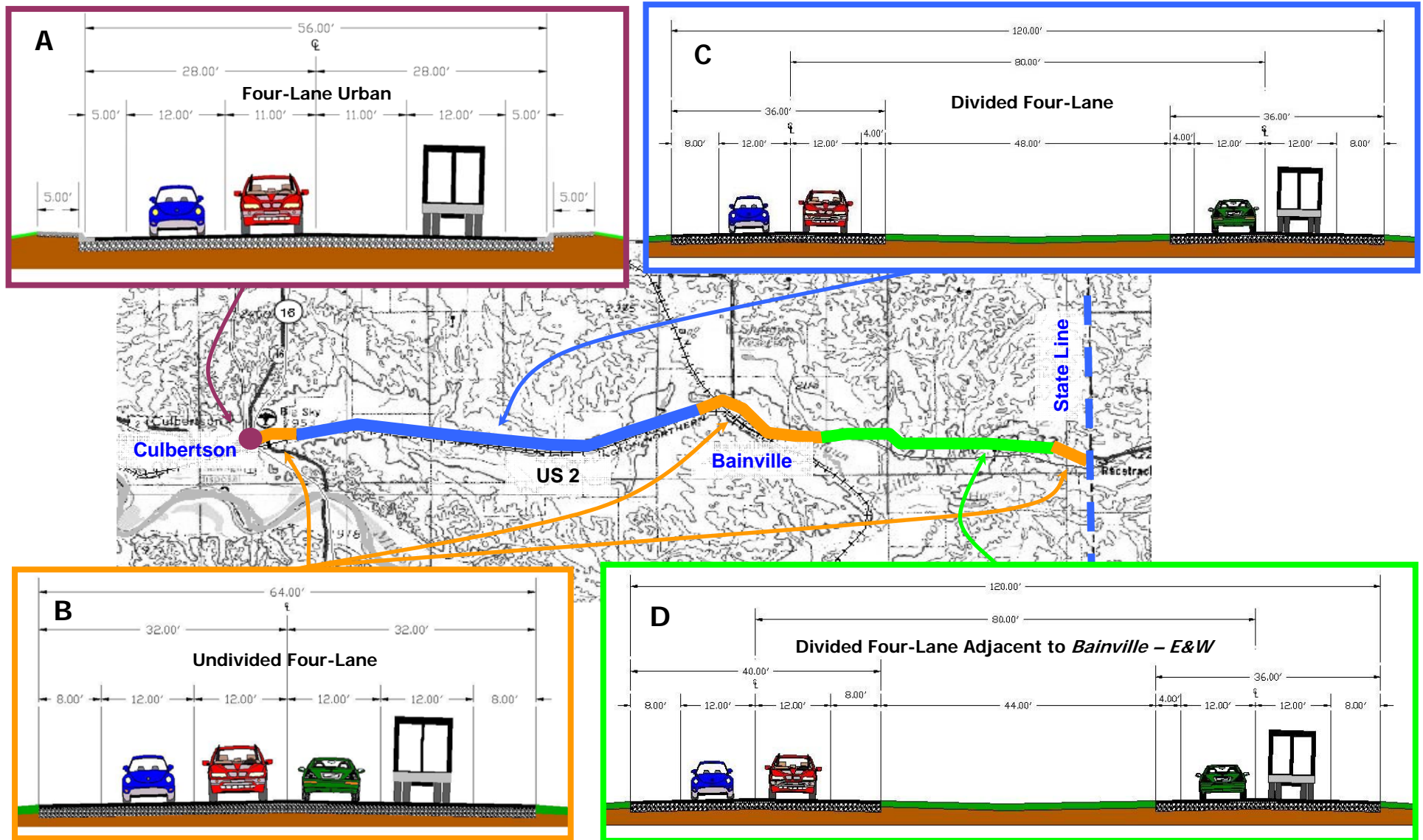
Bainville – East & West project are expected to serve as the westbound lanes while two new lanes are expected to be constructed to the south and serve as the eastbound lanes.

A more detailed discussion of the anticipated roadway typical sections follows Figure 2-1.

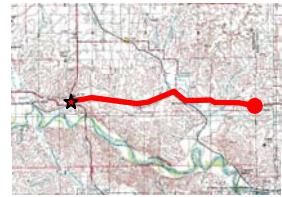
Typical sections will be modified as necessary to avoid or minimize impacts where necessary. MDT may also seek design exceptions to avoid impacts to important resources along the project corridor.

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Figure 2-1
Proposed Alignment and Widening



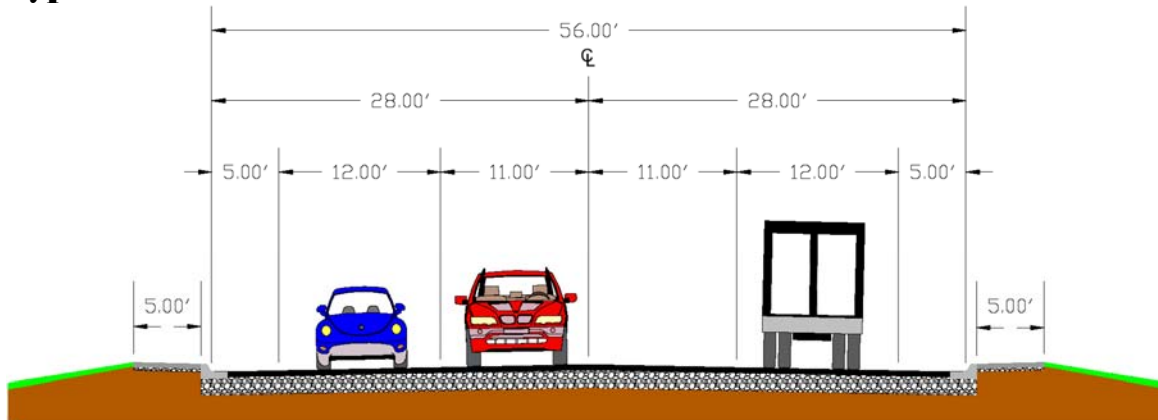
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In Culbertson, the roadway would consist of two 12-foot outside travel lanes and two 11-foot inside travel lanes. There were three options with regard to shoulder widths and the inclusion of boulevards and sidewalks. Figures 2-2 through 2-4 illustrate the three options within Culbertson.

Figure 2-2

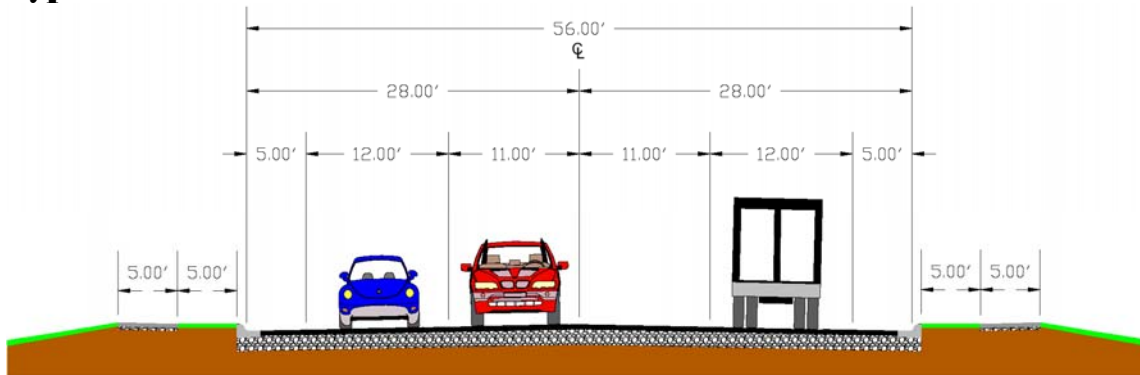
Typical Section No. 1: Five-foot Shoulders and Five-foot Sidewalks



5-foot shoulders, 5-foot sidewalk immediately behind curb. No on-street parking.

Figure 2-3

Typical Section No. 2: Five-foot Shoulders, Boulevards and Sidewalks

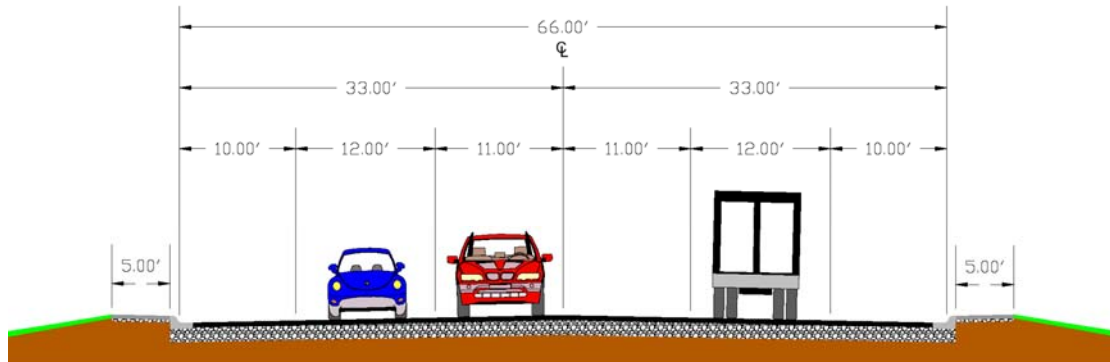


5-foot shoulders, 5-foot boulevard and a 5-foot sidewalk. Eliminate boulevard to miss buildings.

These three options were presented to the community at public meetings in Bainville and Culbertson on December 10 and 11, 2007, and at a regular City Council meeting in Culbertson on January 17, 2008. The community and the Town Council expressed preference for Typical Section No. 1, as documented by the correspondence contained in Appendix C. This option maintains a four lane facility, thus meeting the Purpose and Need, while minimizing impacts through Culbertson, and is forwarded as part of the Preferred Alternative.

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Figure 2-4
Typical Section No. 3: Ten-foot Shoulders and Five-foot Sidewalks



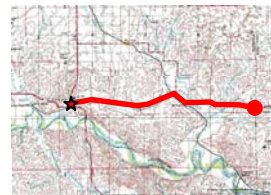
10-foot shoulders on both (or one) side followed by a 5-foot sidewalk. Allows on-street parking.

As the roadway leaves Culbertson, the curb and gutter, and sidewalk would be terminated but the roadway would remain in a four-lane undivided configuration. This configuration would extend to a point west of the Clover Creek bridge (at RP 645.6±) where it would transition to a divided four-lane section. The intent is to be divided at the Clover Creek bridge, which allows use of the existing bridge without constructing a detour. The undivided four-lane configuration would consist of four 12-foot travel lanes and two eight-foot shoulders for a total width of approximately 64 feet as depicted in section “B” in Figure 2-1. The new roadway would be constructed generally along the existing alignment with the existing roadway (which would be rehabilitated) serving as the eastbound lanes, and the newly constructed two lanes serving as the westbound lanes.

From a point west of Clover Creek (at RP 645.6±) to a point west of Bainville, the roadway would be a four-lane divided facility. Dividing the roadway at this location would allow the use of the existing bridge while the median and additional two lanes could be constructed to the north. This would also eliminate the need to widen the existing bridge structure. As depicted in section “C” of Figure 2-1, the divided highway would consist of two 12-foot travel lanes in each direction with eight-foot outside shoulders and four-foot inside shoulders, for a total width of approximately 120 feet. The median would be approximately 56 feet wide from inside travel lane to inside travel lane, or approximately 80 feet from the centerline of the eastbound lanes to the centerline of the westbound lanes. In this portion of the corridor, the existing roadway would be rehabilitated and serve as the eastbound lanes while the westbound lanes would be constructed parallel and to the north of the newly rehabilitated facility.

As US 2 approaches Bainville from the west, the alignment encounters several Class II wetlands. To minimize impacts to these wetlands, the roadway would return to an undivided configuration as illustrated in section “B” in Figure 2-1. The roadway would remain in this configuration until it reaches a straight (or tangent) roadway alignment east of Bainville where it would again transition to a divided four-lane facility. The general alignment of the roadway would also shift

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to the south of the existing roadway in this segment. In this segment, a turn lane would be added for the westbound to south bound movement from US 2 onto 327.

East of Bainville, the two new lanes would be constructed south of the existing alignment. The “existing alignment” at the time of reconstruction to four lanes would be a newly reconstructed roadway from the *Bainville – East & West* project. The *Bainville – East & West* project would reconstruct the existing roadway generally along the same alignment to include two 12-foot travel lanes and two eight-foot shoulders. The two new lanes added on the south from this proposed project would consist of two 12-foot travel lanes, an eight-foot outside shoulder, and a four-foot inside shoulder for a total width of approximately 120 feet as illustrated in section “D” in Figure 2-1.

In the very easterly portion of the corridor, the four-lane divided facility would transition back to a four lane undivided to cross the dam, then to a two-lane facility to match up with the current two-lane facility in North Dakota. The impacts discussed in Chapter 3 of this EA assume those of a four lane divided facility to the North Dakota state line.

Upon approval, detailed design would include efforts to minimize impacts including minor alignment shifts, steepening of side slopes with appropriate consideration of driver safety, and/or narrowing or eliminating the median between the eastbound and westbound travel lanes in certain locations.

2.4 Construction Schedule, Cost Estimate, and Funding¹¹

MDT has one major reconstruction and widening project planned on the study corridor, currently scheduled to be let in 2009. The *Bainville – East & West* project would include an improved two-lane by reconstructing approximately 11 miles of US 2 from the North Dakota State Line to approximately three miles west of Bainville. The environmental analysis for the project supports an improved two-lane configuration with eight-foot shoulders, improved side slopes, and minor changes in alignment to improve safety. The estimated construction cost of the *Bainville – East & West* project is approximately \$20 million with an additional \$3± million in preliminary engineering, right-of-way, construction engineering, and incidental costs for a total cost of approximately \$23 million. This project would be completed prior to construction of the proposed four-lane widening.

Construction Phasing

Construction of the proposed *Culbertson-East to North Dakota* project would follow the *Bainville – East & West* project. This EA and the proposed impacts would have no effect on the design or construction schedule for the *Bainville – East & West* project. No specific dates, however, have been set for final design or construction for the *Culbertson – East to North Dakota* project since the necessary funding has not yet been identified.

¹¹ TRED - Appendix A, Summary and Conclusions, pg. 13

Culbertson East to North Dakota

Construction within this project corridor would likely begin in the eastern portion and continue west as funding becomes available.

Cost Estimate

The projected costs for the Preferred Alternative are approximately \$68 million. More detailed cost estimates will be prepared as the project progresses.

Potential Funding Sources

As part of the National Highway System, the primary source of funding for highway projects on the study corridor is Federal National Highway System funds, with the required 13 percent in State matching funds, provided to [sic] Montana annually. The Montana Transportation Commission directs these funds to eligible projects based on policy goals established in TranPlan 21, Montana's Federally-required statewide multimodal transportation plan, and MDT's Performance Programming Process, which ensures that funding decisions are consistent with overall system goals.

Funding decisions on the US 2 portion of the study corridor are also subject to the requirements of MCA 60-2-133, as amended by Senate Bill 3 in the 2001 Legislative Session. This statute directs MDT to "construct a four-lane highway generally along the present route of U.S. highway 2 from the North Dakota border to the Idaho border in order to increase tourism and to bring economic development to Montana." In addition, the statute directs that MDT "shall seek additional federal funding that does not require a state funding match for the U.S. highway 2 project." This statute also states that MDT may "not expend any resources on the U.S. highway 2 project that would jeopardize any future highway projects." MDT has determined the uses of State matching funds for this analysis would not jeopardize any future highway project, and that federal-aid highway funds have been earmarked specifically for review of a four-lane design in the area. MDT Director Jim Lynch documented this determination in his letter to FHWA on March 14, 2007 (see Appendix C).

The 2005 Safe Accountable & Flexible Transportation Efficiency Act - A Legacy for Users (SAFETEA-LU) included funding earmarks that require state match for US 2 improvements in Eastern Montana. MDT has reserved \$2 million from project #4420 (see Table 2.3 below) to fund this project. Should the project advance to detailed design and construction, MDT would continue to seek additional federal funds that do not require a state funding match for these future phases. Such action would be consistent with MCA 60-2-133.

Environmental Assessment

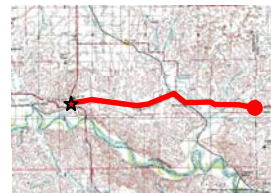


Table 2.3
SAFETEA-LU Directed Funding for US 2

No.	State	Project Description	Amount	Status
Section 1702 – High Priority Projects				
4417	MT	Transportation improvements for Havre--East Project, including Glasgow to Poplar, U.S. 2	Approximately \$8.6 million available	Earmark Funded the Nashua East and West project – let in FY 2005
4420	MT	U.S. 2 transportation improvement projects between North Dakota State line and Browning	Approximately \$17.2 million available	Earmark is being used to fund Havre-East project. Scheduled to be let in 2010. Earmark is also being used to fund the environmental review for the Culbertson East to North Dakota State line project.
Section 1934 – Transportation Improvement Projects				
239	MT	U.S. 2, corridor feasibility study, environmental review and construction, which may include construction of a 4-lane highway, for roadway sections from Glasgow east to the North Dakota State line, provided that all currently programmed highway improvement projects move forward.	Approximately \$8.6 million available	Earmark is being used to fund Bainville East and West. Scheduled to be let in January 2009.

3.0 IMPACTS AND MITIGATION

The No Build Alternative would not address system continuity or improve capacity or safety nor is it expected to provide the same economic development potential as the Preferred Alternative. Because the No Build would entail only routine maintenance of US 2 from Culbertson to Bainville, and reconstruction of US 2 from Bainville to the North Dakota state line, there would be no impacts to sensitive resources within the corridor beyond those disclosed in the *Bainville - East & West* Categorical Exclusion.

The remainder of this chapter focuses on resources of concern within the corridor, and impacts related to the Preferred Alternative for the *Culbertson – East to North Dakota* project.

3.1 Land Use and Right-of-Way

With the exception of developed areas in Culbertson and Bainville, land use within the study area is primarily agricultural (cropland) and ranching (grazing) with scattered rural residential. The area is predominately privately owned with scattered tracts of Montana State Trust Lands and tribal land for the Turtle Mountain Chippewa Indians-Turtle Mountain Allotted lands. There are only a few tracts of Bureau of Land Management (BLM) land, located primarily to the south of the project area.¹²

The proposed project runs through the town of Culbertson in a mixed residential/commercial area. Montola Growers is a large commercial/industrial facility located east of Culbertson and on the south side of US 2. The corridor also serves Bainville, located south of US 2, but two commercial lots lie adjacent to the existing alignment - Smokey's Bar and the Welcome Stop. The State Line Bar and Casino is the last developed commercial parcel in the corridor prior to crossing the North Dakota state line.

The current US 2 alignment also crosses a BNSF Railway branch line (Scobey Subdivision) leased and operated by the Yellowstone Valley Railroad Company. This crossing is located west of Bainville and is currently an at-grade crossing with signals.

Impacts

The proposed project would require the acquisition of approximately 180 acres of new right-of-way. Figure 3-1 illustrates the potential impacts to residences or commercial properties and the preliminary estimate of distances between the new back of sidewalk and the existing structures. Affected landowners may be entitled to receive relocation assistance and advisory services.

¹² TRED – Environmental Scan, pg. 4

Environmental Assessment

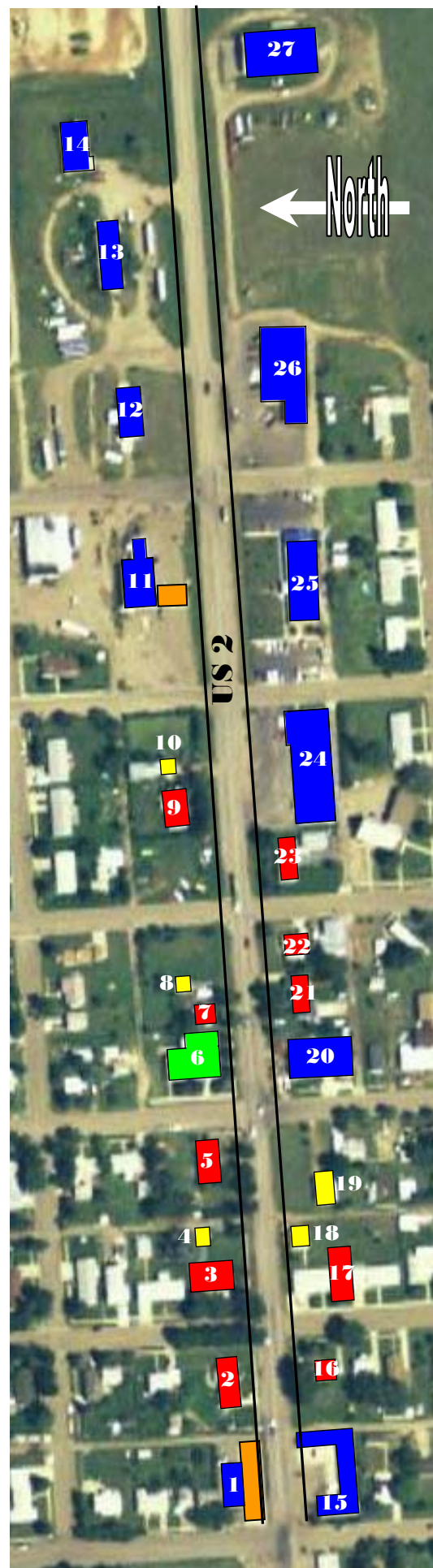
Figure 3-1
Potential Impacts to Adjacent Properties

ID Number	Approximate Distance from Back of Sidewalk to Structure (ft)
<u>North side of US 2</u>	
1	(6± ft) (slab impacted)
2	30±
3	29±
3	83±
5*	36±
6	25±
7	26±
8	57±
9	41±
10	49±
11	30**±
12	75±
13	92±
14	123±
<u>South side of US 2</u>	
15	0±
16	34±
17	16±
18	14±
19	62±
20	36±
21	41±
22	34±
23	38±
24	73±
25	89±
26	72±
27	76±

Notes: * 4(f) Property
 ** Distance from back of sidewalk to edge of concrete slab at site 11.

Figure not to scale.

Key:	
■	Commercial
■	Concrete Slab
■	House
■	Garage
■	Church



Culbertson East to North Dakota

The Preferred Alternative would require coordination with the BNSF Railway to purchase additional right-of-way and reconstruct the railroad crossing. During early coordination with the railroad, MDT considered a grade-separated crossing pursuant to FHWA and Federal Railroad Administration (FRA) policies. FHWA adopted an Action Plan in 1994 to improve highway-rail grade crossing safety. This Action Plan set a goal for eliminating at-grade rail crossings for any intersection of a National Highway System (NHS) route and a Principal Railroad Line (PRL). A PRL is defined as a rail line that has Amtrak service; that is essential to national defense; or they have annual freight volume exceeding 20 million gross-tons. FRA defined a core railroad system of approximately 80,000 miles of rail line that fall under these criteria.

According to the FRA Region 8 Administrator, the Scobey Branch Line that crosses US 2 in the study corridor does not qualify as a PRL. Based on the limited freight traffic on this branch rail line, and the exponential cost difference between at at-grade and a grade-separated crossing, it was determined that grade-separation would not be “economically justified” as outlined in the FHWA Action Plan.

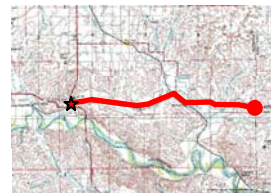
MDT intends to reconstruct this crossing at-grade with an undivided four-lane section.

Mitigation

MDT will consider means to minimize right-of-way impacts during final design and right-of-way acquisition. Acquisition of land, and improvements, for highway construction is governed by state and federal laws and regulations that are designed to protect both the landowners and the taxpaying public. Affected landowners are entitled to receive just compensation for land or improvements acquired and for depreciation in value of the remaining land due to the effects of highway construction pursuant to Montana law. Affected landowners may also be entitled to receive relocation assistance and advisory services. Acquisitions and relocations will be accomplished in accordance with applicable laws; specifically, Title 60, Chapter 4 and Title 70, Chapter 30, Montana Code Annotated; and Title 42, USC, Chapter 61, "Uniform Relocation Assistance And Real Property Acquisition Policies For Federal And Federally Assisted Programs.”

MDT is coordinating with the BNSF Railway on the specific design requirements of this expanded rail crossing.

Environmental Assessment

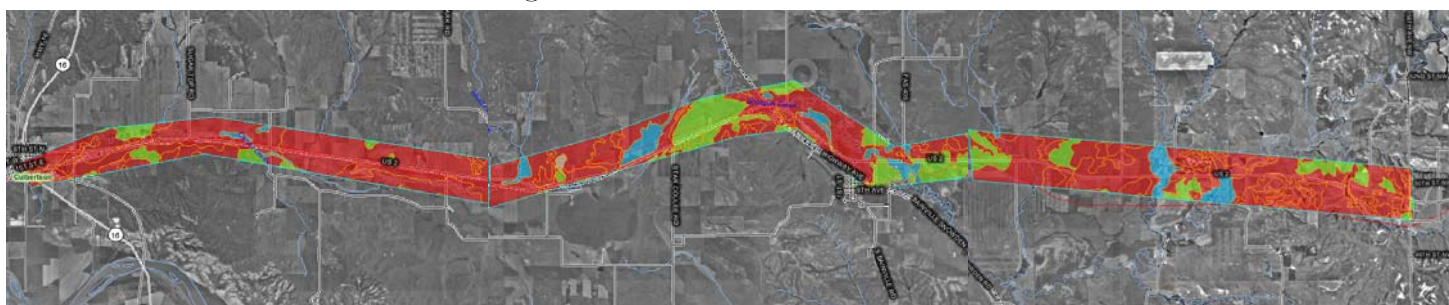


3.2 Farmland

The majority of land adjacent to US 2 is used for dryland farming and ranching. The 1981 *Farmland Protection Policy Act* (FPPA) requires that the effects of proposed highway projects be examined before any farmland is acquired. For the purpose of the FPPA, farmland is qualified as prime, unique, or of statewide or local importance based on soil and hydrology characteristics. The FPPA uses the Farmland Conversion Impact Rating form (#AD-1006) to assess impacts on these designated farmlands. This form was used to identify the potential farmland impacts that would be associated with the proposed four-lane project along US 2. This impact analysis was conducted for the area illustrated in Figure 3-2, and the proposed preliminary right-of-way. The study area was inventoried using the Natural Resource Conservation Service (NRCS) Web Soil Survey.

The FPPA definition of farmlands includes all areas in non-urban use. This does not mean that these lands are currently in crop production, since the definition also includes forested, idle, pasture, open, and recreational lands, as well as unpaved roads, rural residences, and farm buildings. The inventory identified approximately 750 acres of Prime Farmland if Irrigated, which is land that, if irrigated, has the best combination of physical and chemical characteristics for producing agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion. Another 1,560 acres of land within the study area are classified as Farmland of Statewide Importance, which is farmland that is of statewide or local importance for the production of food, feed, fiber, forage, and oilseed, as determined by the Secretary of Agriculture.

Figure 3-2
Farmland Classifications Along US 2



Note: Farmlands illustrated in blue are Prime Farmland if Irrigated; those in green are of Statewide Importance. Those areas in red are not Prime or of Statewide Importance.

Impacts

The proposed project would require the permanent conversion of approximately 10 acres of Prime Farmland if Irrigated, and approximately 20 acres of Farmland of Statewide Importance.

Mitigation

The Preferred Alternative has “Total Site Assessment Points” of less than 160 and, therefore, under the provisions of 7 CFR 658.4(c) Part 2, no mitigation is necessary. A copy of the #AD-1006 is included in Appendix A. BMP’s will be used to limit disturbance and control erosion, and to reclaim disturbed vegetation within the construction limits.

3.3 Social

This section describes the general community characteristics and social conditions in the study area, including City and County population, demographic and income data, and community and public facilities. This section also addresses impacts on the traveling public and/or other users of the existing and proposed transportation facility, and/or impacts on community cohesion.

Population Data

In 2005, Roosevelt County’s population was 10,524. Roosevelt County’s population decreased by 3.4 percent between 1990 and 2000 and decreased by another 0.9 percent from 2000 to 2005. Comparatively, Sheridan County’s population in 2005 was 3,524 and decreased by 13.3 percent between 1990 and 2000 and decreased by 14.2 percent from 2000 to 2005.

Population of the towns of Bainville and Culbertson have remained relatively constant between the years 2000 to 2005. In 2000, Bainville’s population was 153 and was still at 153 in 2005. Culbertson’s population in 2000 was 716 and increased to 719 in 2005.

Demographic Composition

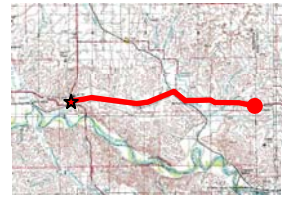
The age distribution in Roosevelt County correlates closely with the averages across Montana as well as the nation as a whole, however, Roosevelt County has a higher percentage of children under 19 years of age. Sheridan County has a higher percentage of older residents, and a much higher percentage of residents over the age of 65.

Sheridan County is predominantly white at 97 percent of the population, while Roosevelt County is predominantly American Indian. The largest population concentration in Roosevelt County occurs within the Fort Peck Reservation, which lies west of the project corridor. Consequently, the American Indian population in Roosevelt County accounts for nearly 66 percent of the county population as compared to 6.2 percent for all of Montana, and 0.9 percent of the entire United States.

Household Income

Both Roosevelt and Sheridan Counties have larger proportions of households with incomes less than \$35,000 as compared to Montana or all of the United States (64.52 percent and 59.50 percent for Roosevelt and Richland Counties, respectively as opposed to 52.7 percent in Montana and 41.4 percent in the United States). It should be pointed out that Montana lags behind the nation in the percentage of households with income over \$75,000. Just 11.9 percent of households claim such income in Montana, and 8.20 percent and 8.81 percent in Roosevelt and Sheridan Counties. Nationally, the rate is more than double that, at 22.5 percent.

Environmental Assessment



Environmental Justice

Under Title VI of the 1964 Civil Rights Act and related statutes, federal agencies are required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion.

Executive Order (E.O.) 12898 requires each federal agency to make achieving environmental justice part of its mission “by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low income populations.”

As demonstrated in the socio-economic and demographic data above, areas along US 2 are characterized by lower incomes, and higher minority and elderly populations as compared to the rest of the state; however, from field observations and available data, neither the No Build nor the Preferred Alternative would create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations. These alternatives also comply with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), as amended) under FHWA’s regulations (23 CFR 200).

Community Services and Public Facilities

Figure 3-3 illustrates public services, facilities, and amenities along US 2 in Culbertson. Given the project intent to provide potential for incremental economic growth, those services and amenities available to the community and to regional travelers are also depicted. These include hotels, restaurants, gas stations, parks, schools, and churches.

Parks and Recreation

Figure 3-3 illustrates a park, track, and ball field located in the northwest quadrant of the intersection of US 2 and MT 16. This facility is owned by the Culbertson School but is open to the public for general use when not in use by the school during organized athletic events. This facility is protected by Section 4(f) of the U.S. Transportation Act of 1966, and substantive impacts must be avoided unless there are no other reasonable alternatives. This site has also used funds through the National Land & Water Conservation Fund (NL&WCF) Act. Section 6(f) of the NL&WCF prohibits the conversion of property acquired or developed with these grants to a non-recreational purpose without the approval of the Secretary of the Interior.

Travel/Access

Road congestion in the study area at the present time is minimal compared to the national average. Although travel is increasing, congestion at the levels at which significant slow-downs in speed may occur currently affect only a small percentage of road sections. With the estimated future 30 percent in truck traffic and associated speed differential, a four-lane facility will help address passing conflicts on the study corridor.¹³

¹³ TRED – Existing Conditions, pg. 108, and Executive Summary, pg. 9

Culbertson East to North Dakota

Under the No-Build condition, traffic is anticipated to operate at an acceptable Level of Service (LOS) B with projected traffic volumes.¹⁴ Safety analysis indicates that a four-lane highway can provide an incremental improvement over the No-Build alternative. Compared to a No-Build with a projected crash rate of 1.51, the four-lane undivided facility could provide a crash rate of 1.22, and a divided facility could provide a rate of 1.13.¹⁵

Access management is recommended along US 2 to ensure safe highway operation. Access management seeks to:

- Limit the number of conflict points;
- Separate basic conflict areas;
- Reduce interference with through traffic;
- Maintain progressive mainline speeds; and
- Practice controlled land development.

Access Control is implemented through the adoption of an Access Control Resolution executed by the Montana Transportation Commission. Accesses will be managed in accordance with the Access Control Resolution and the Access Management Guidelines and Plan developed during the design process.

MDT's access management guidelines establish a standard 0.3 mile spacing requirement for such roadways. Therefore, whenever feasible, access would be consolidated or relocated in accordance with MDT access management guidelines.

Impacts

The proposed four-lane facility would continue to follow the existing alignment to the north of Bainville and have no detrimental effect on community populations, public facilities, or community character. In Culbertson, however, the facility is expected to require the acquisition of a right-of-way from several existing residential and commercial properties (See Figure 3-1).

The Preferred Alternative begins at the intersection with MT 16 (north) and does not impact the ball fields protected by Section 4(f) of the U.S. Transportation Act and Section 6(f)/NL&WCF.

As a result of the proposed access management, some private access drives and field access on US 2 would be modified or relocated for safety reasons, or to conform with existing access management requirements.

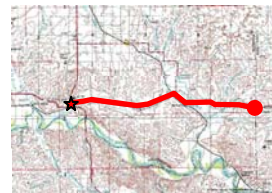
Access to fields or private residences, while it may be modified (i.e., lengthened due to the proposed alignment of US 2), would still be provided.

The access changes are not expected to adversely impact existing or future businesses.

¹⁴ TRED – Level of Service and Safety, pg. 5

¹⁵ TRED – Level of Service and Safety, pg. 9

Environmental Assessment



Mitigation

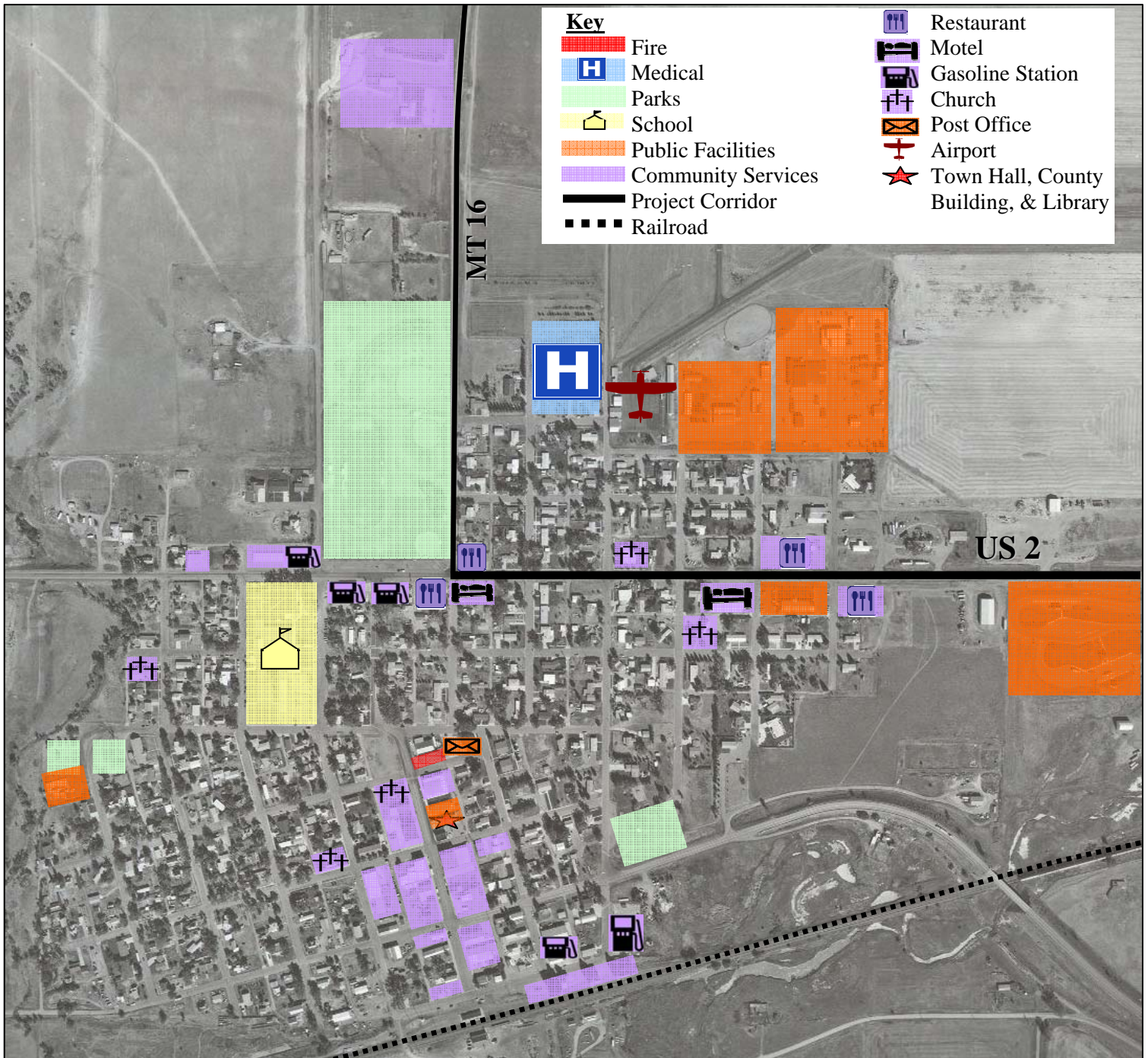
MDT will consider means to minimize impacts during final design and right-of-way acquisition.

Reasonable access will be maintained to all existing parcels adjacent to the highway but some existing direct accesses may be relocated, combined, or eliminated if alternate reasonable access is available or can be provided. New direct access will be subject to criteria established in the Access Management Guidelines and may require mitigation of impacts to the operation of the roadway as a condition of permitting.

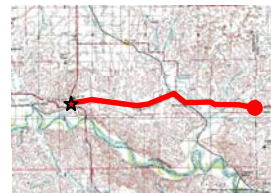
Consultation with affected property owners would occur prior to completion of final design to minimize impacts to rural residences, farm field approaches, and business operations. Provision of a reconstructed and upgraded roadway under the build alternative would result in positive impacts of improved access for all area residents, businesses, travelers and truckers, who rely on US 2. These improvements would not be provided under the No Build Alternative.

Culbertson East to North Dakota

Figure 3-3
Community Services and Public Facilities



Environmental Assessment



3.4 Economic

Roosevelt County unemployment rates in the last 10 years tended to be higher than both the average for Montana and the nation. Sheridan County unemployment rates during the same period tended to be lower than the Montana and national averages. As of 2005, Sheridan and Roosevelt Counties had 3.4 percent and 7.1 percent unemployment, respectively, as compared to 4.4 percent for Montana, and 5.1 percent for the U.S. overall. As indicated in the Environmental Justice discussion above, this indicates that higher unemployment and lower income populations likely occur within the immediate study area.

Most of the employment in the area is in education, healthcare, social services sectors, with agriculture, oil and gas, tourism, and retail trade opportunities showing the most promise for growth in the future.¹⁶

The study area is part of an economic region that is, now and increasingly, integrated across state and national boundaries. Settlement in the area is predominantly rural. As a consequence, regional consumer trade and work-related traffic appears to flow readily in a broad, two-state area with additional interchanges with southern Saskatchewan. Williston, North Dakota, (pop. 12,200) is the nearest higher-order trade center to the populations in northeastern Montana. Professional and financial services are also more concentrated in Williston. The nearest major-order trade center is Regina, Saskatchewan. As travel restrictions and border barriers are reduced, more consumer and commercial traffic can be expected to flow that direction. Some key industries, agriculture and oil, appear to be closely integrated across state and national lines, and the local tourism sector clearly relies on people outside the state coming to and through the area. All this suggests that there would be local and regional economic advantages from improved and consistent transportation connections to the east, north, and south.¹⁷

In the immediate project area, Montola Growers Inc. has a large facility on the eastern end of Culbertson. Their seed crushing facility is located in Culbertson, within the study area. In addition to producing vegetable oils, Montola Growers Inc. also produces protein meal and birdseed.

Impacts

As noted above, the Preferred Alternative is anticipated to require the acquisition and removal of one commercial building (see Figure 3-1). The Preferred Alternative is anticipated to provide the potential for an incremental economic benefit as compared to the No Build alternative.

It is also anticipated that the proposed four-lane facility would require higher funding levels for routine and long-term maintenance as compared to the existing two-lane facility.

¹⁶ TRED – Existing Conditions, pg. 16

¹⁷ TRED – Existing Conditions, pg. 106

Culbertson East to North Dakota

Mitigation

The Preferred Alternative narrows to a four-lane undivided section as it approaches Culbertson, to minimize impacts.

MDT will consider means to minimize right-of-way impacts during final design and right-of-way acquisition.

Acquisition of land, and improvements, for highway construction is governed by state and federal laws and regulations that are designed to protect both the landowners and the taxpaying public. Affected landowners are entitled to receive just compensation for land or improvements acquired and for depreciation in value of the remaining land pursuant to Montana law. Affected landowners may also be entitled to receive relocation assistance and advisory services. Acquisitions and relocations will be accomplished in accordance with applicable laws; specifically, Title 60, Chapter 4 and Title 70, Chapter 30, Montana Code Annotated; and Title 42, USC, Chapter 61, "Uniform Relocation Assistance And Real Property Acquisition Policies For Federal And Federally Assisted Programs."

3.5 Pedestrians and Bicyclists

Given the rural nature and low-density population within the corridor, bicycle and pedestrian use of US 2 is not anticipated to be high enough to warrant dedicated facilities for their use. However, the planned eight-foot outside shoulders are wide enough to provide adequate space for safe bicycle use along the route, and sidewalks are planned through Culbertson to provide for safe pedestrian travel within town.

Due to the physical constraints across the dam in the eastern portion of the corridor, the shoulders would be narrowed to four feet across the dam.

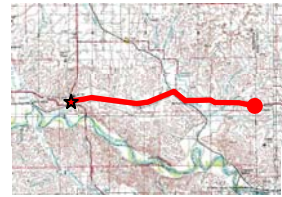
Impacts

The inclusion of sidewalks in town, and wide shoulders through the rural portions would provide an overall benefit to bicycle and pedestrian users within the area.

Mitigation

No mitigation is proposed.

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3.6 Air Quality

The proposed project is located in an unclassifiable/attainment area of Montana for air quality under 40 CFR 81.327, as amended. As such, this proposed project is not covered under the EPA's "Final Rule" of September 15, 1997 on Air Quality Conformity. Therefore this proposed project complies with Section 176(c) of the Clean Air Act (24 U.S.C. 751(a)).

Impacts

The EPA has identified a group of 21 mobile source air toxics (set forth in EPA's final rule, *Control of Emissions of Hazardous Air Pollutants from Mobile Sources*) and extracted six priority Mobile Source Air Toxics (MSATs) considered to be priority transportation toxics. The EPA has issued a number of regulations that will dramatically decrease MSATs through cleaner fuels and cleaner engines. According to an FHWA analysis, even if vehicle miles of travel (VMT) increase by 64 percent, reductions of 57 percent to 87 percent in MSATs are projected from 2000 to 2020.

Under the FHWA interim guidance issued for air toxic analysis in NEPA documents, the Preferred Alternative would be classified as a minor project for which the ultimate traffic level is predicted to be less than 150,000 average vehicles per day. The EPA and FHWA have acknowledged technical shortcomings of emissions and dispersion models and uncertain science with respect to health effects and how this may prevent meaningful or reliable estimates of MSAT emissions and effects of specific projects. However, even though reliable methods do not exist to accurately estimate the health impacts of MSATs at the project level, it is possible to qualitatively assess the levels of future MSAT emissions.

Because the anticipated VMT under both the No Build and Preferred Alternative are nearly the same, it is expected that there would be no appreciable difference in overall MSAT emissions between the alternatives. The roadway widening proposed as part of the Preferred Alternative would have the effect of moving some traffic closer to nearby homes, schools and businesses; therefore, there may be localized areas where ambient concentrations of MSATs could be higher than the No Build Alternative. This localized impact could be offset due to increases in speeds and reductions in congestion (which are associated with lower MSAT emissions).

Overall, EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions that, in almost all cases, will cause region-wide MSAT levels to be substantially lower than today. Local conditions may differ from the national projections in terms of fleet mix and turnover, VMT growth rates, and local control measures; however, the magnitude of the EPA-projected reductions is so great (even after accounting for VMT growth) that MSAT emissions in the study area are likely to be lower in the future in nearly all cases.

Mitigation

No mitigation is proposed or required.

3.7 Noise

This section provides a summary of the *Traffic Noise Study* prepared for this proposed project. That analysis was conducted in accordance with 23 CFR 772 and the MDT Traffic Noise Analysis and abatement: Policy and Procedure Manual, June 2001. According to the Traffic Noise Study, 23 noise-sensitive receptors were identified within approximately 650 feet of the existing roadway centerline, including single-family residences, a church, and two motels.

Impacts

FHWA's Traffic Noise Model (TNM) Version 2.5 computer program was used to predict traffic noise levels on the existing US 2 for the No-Build Alternative and the Preferred Alternative. Table 3.1 lists existing and predicted noise level modeling results. As shown in the table, the TNM Model predicted that the MDT noise impact criterion of 66 dBA will not be met or exceeded at any of the existing noise-sensitive receptors in the Present Year (2007) or the Design Year (2029) for either the No-Build or the Preferred Alternative.

Mitigation

No mitigation is warranted or proposed.

Although mitigation measures, such as the construction of noise barrier walls or berms, are not warranted or proposed, MDT encourages the local governments, land developers, and individual property owners to consider the potential for negative impacts from highway noise with the construction of new noise-sensitive development proposing to locate near US2. Negative impacts could include diminished quality of life for those living in or using structures next to the roadway and stagnant or declining property values over time.

MDT has no control over land uses that choose to locate next to highways. That decision is left to local governments (in those jurisdictions with zoning) and to individual property owners and developers (in jurisdictions without zoning). If developers build or communities permit new noise-sensitive development to be built next to highways, then they are creating situations that can result in adverse highway noise impacts.

MDT encourages implementation of "noise-compatible" development near the highways. "Noise-compatible" development does not mean the construction of noise barriers. In fact, noise barriers are not practical in many areas of Montana where our low-density population and spectacular scenery are the primary reason many people choose to live here. Examples of "noise-compatible" development include greenbelts, open spaces, and/or parklands between residential developments and busy or high-speed roadways. Landscaped berms, often incorporating bike or pedestrian paths, can reduce noise impacts while providing an aesthetically pleasing entrance or boundary to residential developments. Subdivisions can be designed such that service alleys, bike paths, and/or garages are located between residents and highways. "Noise-compatible" land use planning can have positive effects on a development's aesthetics, property values and quality of life for residents.

Environmental Assessment

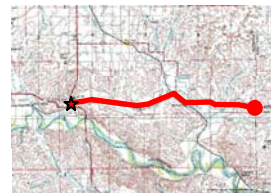


Table 3.1
Receptors and Predicted Noise Levels

Receptor	Description	Approx. Mile Post	No-Build Alternative $L_{eq}(h)$, Present Year 2007 (dBA)	No-Build Alternative $L_{eq}(h)$, Design Year 2029 (dBA)	Preferred Alternative $L_{eq}(h)$, Design Year 2029 (dBA)
Culbertson					
M2	Diamond Willow Inn	644.61	59	60	64
R1	Single family residence	644.65	57	58	62
R2	Single family residence	644.65	57	58	62
R3	Single family residence	644.68	57	58	62
R4	Single family residence	644.68	58	58	63
R5	Single family residence	644.71	57	57	62
R6	Single family residence	644.72	53	54	59
C1	Bethel Community Church	644.76	57	58	63
R7	Single family residence	644.77	57	58	63
R8	Single family residence	644.77	56	57	62
R9	Single family residence	644.79	56	58	62
R10	Single family residence	644.84	54	57	62
R11	Single family residence	644.82	55	58	62
M1	Kings Inn Motel	644.84	52	55	60
Culbertson to Bainville					
R12	Single family residence	646.7	52	53	56
R13	Single family residence	646.7	51	52	55
R14	Single family residence	654.4	54	55	59
R15	Single family residence	656.1	52	53	56
Bainville to North Dakota					
R16	Single family residence	660.4	52	52	56
R17	Single family residence	661.4	60	61	63
R18	Single family residence	663.6	52	53	56
R19	Single family residence	664.9	55	56	58
R20	Single family residence	666.2	53	54	56

Source: Big Sky Acoustics, 2007

3.8 Surface Water/Irrigation/Water Quality

This section presents a summary of water supplies, including surface waters, public water supplies, and irrigation systems, as well as a description of water runoff and water quality in the study area.

Surface Water

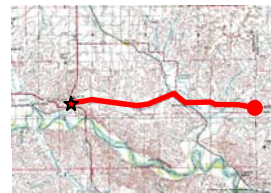
There are 12 drainage crossings located within the project corridor with a drainage area greater than one square mile, and 21 crossings with drainage areas less than one square mile. The major surface waters in the project area are summarized in Table 3.2 below.

Table 3.2
Surface Waters in Project Area

Description
The highway crosses Clover Creek twice within the study area
Highway crossing of Little Muddy Creek from north
Highway crossing of Redbank Creek from north
Several meandering channels of Shotgun Creek on north side of highway, including at least 2 crossing the highway
Shotgun Creek crosses the highway once in the study area and passes through the town of Bainville
Shotgun reservoir is located approximately 1.5 miles north of the highway

Source: MDT Hydraulics, 2008

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There is also a dam in the far easterly portion of the corridor. The height of the dam would be lowered to accommodate a 40-foot top for the *Bainville – East & West* project, which would also accommodate the proposed four-lane widening under this proposed project. The proposed roadway across this dam would consist of four undivided 12-foot travel lanes and two four-foot shoulders. This would require widening the dam and adding guardrails. The dam is not classified as a high-hazard dam by the DNRC, but would likely be treated as such during design and construction.

Public water supplies within the US 2 corridor include the Town of Culbertson and the State Line Casino east of Bainville, as summarized in Table 3.3.

Table 3.3
Public Water Supplies

Owner Name	Source Name	Source Type	City	Population Served (resident/non res)	PWS ID
Town of Culbertson	Plant Reservoir	Surface Water	Culbertson	796 / 0	MT0000192
Town of Culbertson	Missouri River	Surface Water	Culbertson	796 / 0	MT0000192
State Line Casino	Well #1	Groundwater	Bainville	0 / 30	MT0001640

Source: TRED – Environmental Scan, pg. 10.

The Dry Prairie Waterline provides drinking water to the residents of the Fort Peck Indian Reservation and residents of the Dry Prairie region of Roosevelt, Sheridan, Daniels, and the eastside of Valley Counties outside the Reservation. The waterline also provides industrial, commercial and livestock water throughout the two service areas. The waterline generally parallels US 2 from Culbertson to the North Dakota state line, but also services McCabe to the north of Culbertson and branches off from Bainville south to the Fort Union Visitor Center.

Impacts

The Shotgun Creek bridge that will be built with the *Bainville - East & West* project will be widened with this project as it will be an undivided highway in that location. New bridges will also be constructed parallel to the new bridges built with the *Bainville - East & West* project at Red Bank Creek and Little Muddy Creek. In addition, the existing bridge at Clover Creek (RP 645.6) will be replaced with two new divided parallel bridges, and at Clover Creek (RP 648.3) a divided parallel bridge will be constructed with this project.

The Preferred Alternative is outside the 100-foot radius control zone for public water supplies, but within the radius inventory region of the State Line public water supply. The Preferred Alternative is not likely to impact these public water supplies.

Longitudinal impacts to the Dry Prairie Waterline can be avoided; however, the line will be crossed in six locations.

Culbertson East to North Dakota

Mitigation

The proposed new bridges over Shotgun Creek, Clover Creek, Red Bank Creek, and Little Muddy Creek, as well as longitudinal impacts and culverts, would be designed in accordance with 23 CFR 650 and in coordination with appropriate resource and permitting agencies.

Irrigation

There are several locations where local landowners have provided dikes for irrigation water usage. These irrigation facilities either intersect or are in close proximity to the existing alignment in at least four locations throughout the study corridor.

Impacts

Irrigation dikes, headgates, turnouts, and other facilities may be impacted by the Preferred Alternative. Anticipated irrigation impacts occur from RP 647.5 to RP 648.5 (dikes), RP 649.5 to RP 651.0 (dikes), RP 653.5 to RP 655.5 (dikes), and at RP 651.0. In the easterly portion, additional channel relocations and pipe extensions could be required.

Mitigation

Impacted irrigation ditches, berms, headgates, or other facilities would be replaced in consultation with ditch owners to minimize impacts to farming/ranching operations.

Water Quality

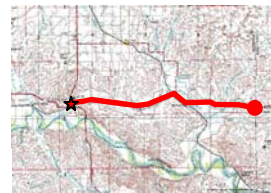
The beginning of the project in Culbertson consists of one city block with curb-and-gutter, and four city blocks with no curb-and-gutter. The existing street grades are insufficient to drain stormwater which currently appears to pond and evaporate.

The Montana Department of Environmental Quality (DEQ) is required by Section 303(d) of the Clean Water Act to identify and prioritize those waters for which total maximum daily loads (TMDLs) are needed. These loads are an assessment of the amount of pollutant a water body can receive and not violate water quality standards. The TMDL determines how much “pollutant load” a lake or stream can assimilate. Shotgun, Red Bank, and Little Muddy Creeks are located within the study area; however, none of these waterbodies are identified as an impaired water on the TMDL list.

Impacts

In general, there would be an increase in the total surface area of paved road related to widening and reconstruction under the Preferred Alternative. The increase in total road surface area decreases the overall permeability of substrate and increases the rate and quantity of surface water runoff from the roadway. The increased surface water runoff has increased potential for erosion, transport of dissolved and particulate contaminants, and for sedimentation.

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Additionally, the removal and replacement of bridges and culverts and the associated in-stream work will result in temporary increased erosion potential, sediment, and turbidity.

Mitigation

To address the existing stormwater runoff issues within Culbertson, a storm drain would be considered to drain water out of town and prevent ponding along the roadway. While no cost-effective solution has been identified to date, potential solutions will be explored to drain stormwater east out of town to outfall to Clover Creek through a sediment pond near the MDT rest area.

Mitigation of storm water runoff as well as temporary increased erosion potential, sediment, and turbidity can be achieved through engineering controls such as the use of erosion and sediment control features, as well as other Best Management Practices (BMP's). The Preferred Alternative would require a Storm Water Pollution Prevention Plan (SWPPP) and field monitoring/oversight to minimize temporary impacts to water quality due to construction.

The proposed new bridges over Shotgun Creek, Clover Creek, Red Bank Creek, and Little Muddy Creek would be designed in coordination with appropriate resource and permitting agencies. Water quality impacts would be avoided and/or minimized through adherence to MDT's Standard Specifications for Road and Bridge Construction, and the 404 Permit conditions required in the Clean Water Act, and coordination of Montana Stream Protection Act (SPA).

3.9 Wetlands

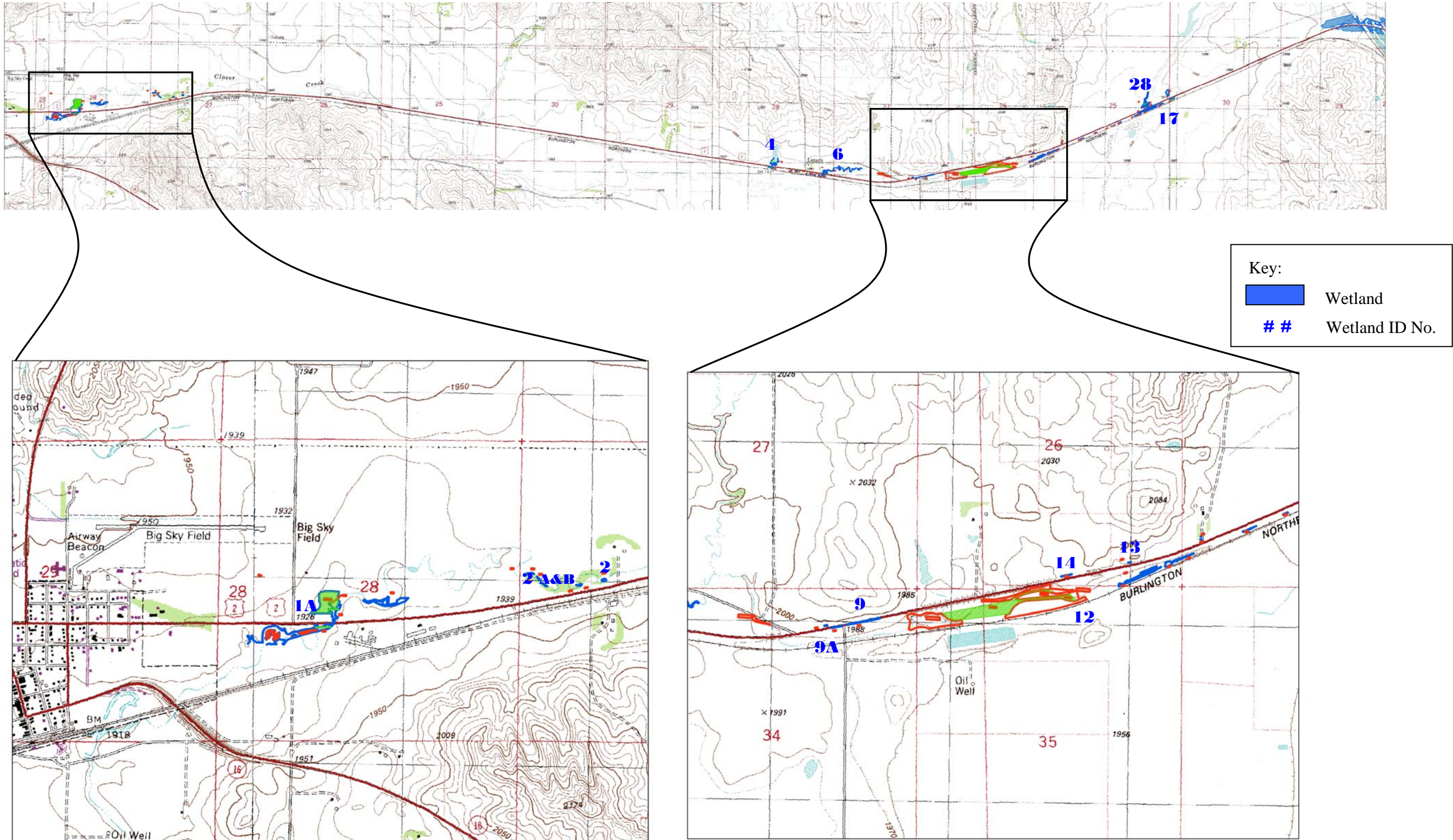
Wetlands are regulated by Sections 401 and 404 of the Clean Water Act, Executive Order (EO) 11990 ("Protection of Wetlands"). The U.S. Army Corps of Engineers (COE) is the primary regulating agency in Montana. Under both the COE and EPA regulations (33 CFR 328.3 and 40 CFR 230.0), the term "wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

All wetland delineations were conducted following the *1987 COE Wetlands Delineation Manual* and *MDT Montana Wetland Functional Assessment Method*. A Trimble PRO XRS GPS unit was used to delineate the extent of each potential wetland area.

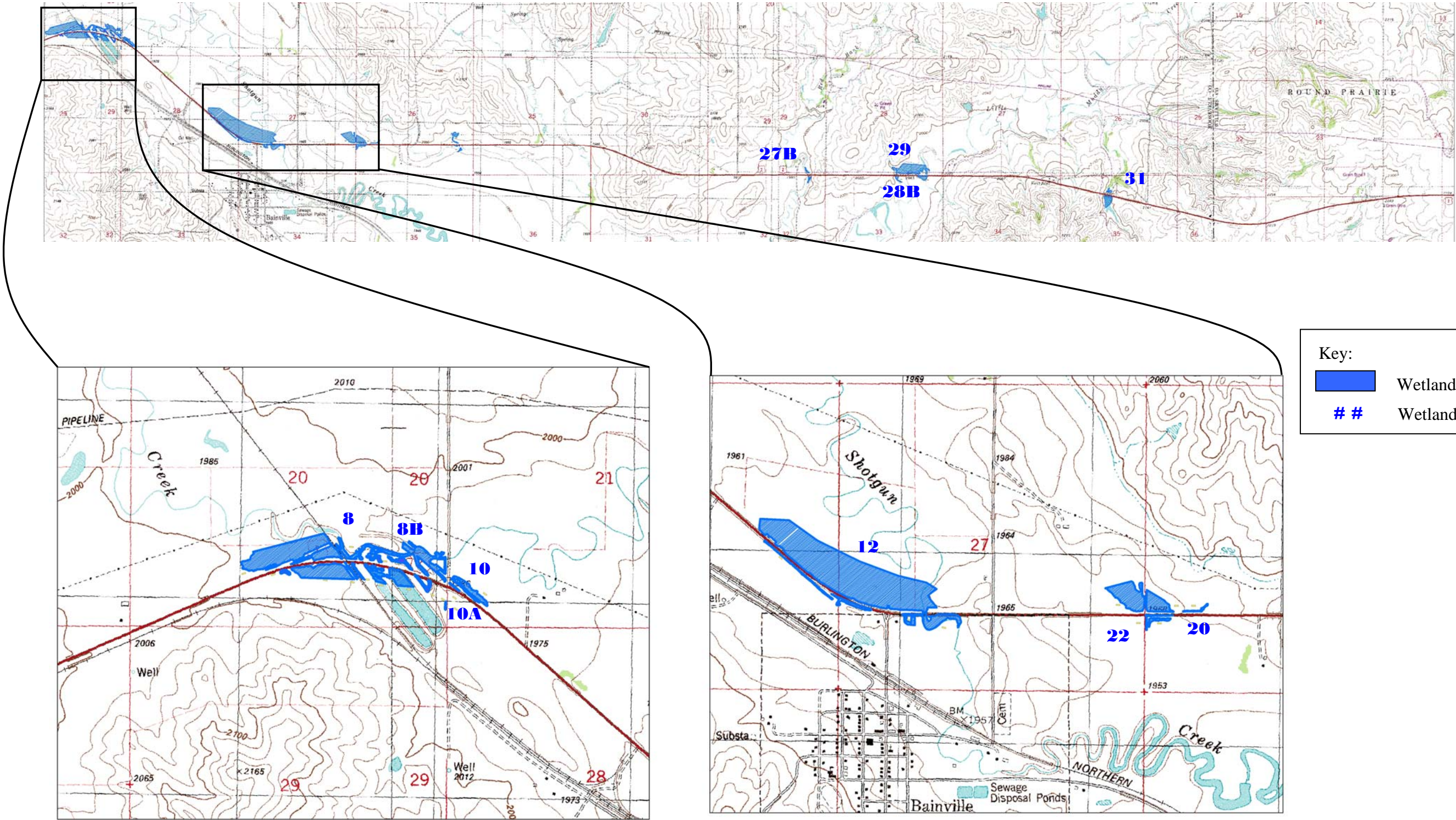
A total of 58 wetlands were delineated within the project area. Wetlands areas are shown in Figure 3-4.

Culbertson East to North Dakota

Figure 3-4
Wetland Map



Environmental Assessment



Culbertson East to North Dakota

Impacts

As outlined in Table 3.4, the Preferred Alternative is anticipated to impact 36 wetlands.

Table 3.4
Summary of Estimated Wetland Impacts

Wetland ID	MDT Wetland Category*	Total Delineated Area acres	Total Impacted Area Acres
Wetlands from Culbertson to the <i>Bainville – East and West Corridor Limits</i>			
1a	III	0.32± ac	0.15± ac
2	III	0.05± ac	0.05± ac
2a	III	0.01± ac	0.01± ac
2b	II	0.03± ac	0.03± ac
4	III	0.61± ac	0.36± ac
6	III	0.19± ac	0.12± ac
6a	IV	0.05± ac	0.04± ac
6b	IV	0.03± ac	0.01± ac
9	IV	0.14± ac	0.14± ac
9a	IV	0.02± ac	0.02± ac
10	IV	0.01± ac	0.01± ac
12	II	8.62± ac	0.30± ac
13	IV	0.01± ac	0.01± ac
14	IV	0.03± ac	0.03± ac
17	IV	0.40± ac	0.21± ac
19	IV	0.02± ac	0.02± ac
19a	IV	0.02± ac	0.02± ac
22	III	0.14± ac	0.05± ac
26	IV	0.01± ac	0.01± ac
26a	IV	0.01± ac	0.01± ac
27	IV	0.01± ac	0.01± ac
28	III	0.45± ac	0.34± ac
Wetlands within the <i>Bainville – East and West Corridor Limits</i>			
3	II	10.73± ac	0.15± ac
8	II	5.06± ac	0.06± ac
8B	II	0.47± ac	0.02± ac
10	II	0.25± ac	0.04± ac
10A	II	1.15± ac	0.22± ac
12	II	40.58± ac	0.34± ac
20	III	0.37± ac	0.13± ac
22	III	0.17± ac	0.02± ac
25D	III	0.29± ac	0.03± ac
27B	III	0.40± ac	0.15± ac
28B	II	0.49± ac	0.32± ac
29	II	1.22± ac	0.25± ac
31	III	0.48± ac	0.10± ac
Total Area		100.9± ac**	3.8± ac

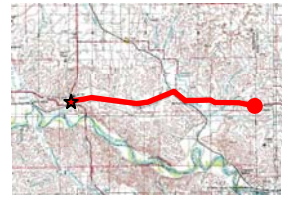
Source: *Biological Resources Report, PBS&J, May 2007*

*II – Category II provides good quality habitat for sensitive plants or animals. These wetlands function at very high levels for fish, wildlife habitat, or are unique for a given region, or are assigned high ratings for many of the assessed functions and values. The total actual functional points for a Category II wetland must total 65% or greater of the possible.

III – Category III are more common and generally less diverse, and often smaller and more isolated than Category II wetlands. Category III wetlands can provide many functions and values, but will not have a high rating as a Category II. The total actual functional points for a Category III wetland must total 30% or more of the possible.

**Total delineated wetlands. Delineated wetlands with no impacts were not included in this table.

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Projected impacts to wetlands are anticipated to be approximately 3.8 acres.

Avoidance/ Minimization

Estimated wetland impacts included in this EA are based on the conceptual design of the Preferred Alternative. Avoidance and minimization measures to date include designing two lanes of the preferred alternative generally to parallel the centerline of the existing roadway and calling for an undivided four-lane highway where Class II wetlands exist on both sides of the proposed alignment. Further avoidance and minimization efforts will be evaluated throughout the design process. Those efforts are expected to result in fewer wetland impacts at the time of permitting than are shown in this EA. The final amount of unavoidable wetland impacts and jurisdictional status of those wetland areas will be subject to COE review. Avoidance of all identified wetland areas in the project corridor is not expected to be practicable based on several factors, including the need to design the proposed project with necessary safety features.

Wetland impact avoidance and minimization measures have been incorporated in the project design to the greatest extent practicable at this early stage of the design process. Avoidance and minimization measures will continue throughout the design of the proposed project. The text below describes avoidance and minimization efforts taken to date throughout the corridor.

Wetland 12:

The following design measures were implemented to reduce the impacts to wetland 12 (W12) as a result of adding two additional lanes with the proposed *Culbertson - East to North Dakota* project. This wetland is located north of Bainville from approximately RP 658.4 to 659.0

1. Elimination of the depressed median and divided highway.

A divided four-lane highway is proposed for this corridor. An undivided four-lane is being utilized through this segment of the corridor to eliminate the impacts resulting from the depressed median.

Utilizing an undivided highway at this location is feasible for the following reasons:

- The new roadway is shifting from the north to the south side of the existing alignment at this location and is on a horizontal curve. Consequently, the transition from divided to undivided highway will not require the introduction of additional horizontal curves.
- The intersection with Secondary Highway 327, which is also the entrance to Bainville, is located on this segment of the roadway. Turn bays are also going to be added at this location. Since this intersection will not be signalized, having an undivided highway may enhance turning movements.

2. Modified horizontal alignment

A smaller radius (sharper) horizontal curve has been designed to shift the newer alignment closer to the existing alignment through this curve. The curve that was originally designed was a 950-m radius curve. It has been replaced with a 750-m radius curve. The 750-m radius with a corresponding 6% superelevation is the smallest radius that still meets the criteria for a 100 km/h design speed.

The use of a sharper horizontal curve was not considered practical, because the greater superelevations associated with a sharper curve would have a detrimental effect on vehicles entering the roadway from Secondary Highway 327. The use of a substantially sharper curve would also tend to violate driver expectancy on a segment of roadway with long tangents and gentle curves, thereby making the road less safe.

Shifting the new horizontal alignment closer to the existing alignment would provide a negligible benefit, since the new roadway template would then impact wetlands and a business on the south side of the highway.

3. Steepen fill slopes

The fill slopes have been steepened from the standard 6:1 slopes required for fill heights of 10 feet or less, to 2:1 slopes. Guardrail will also be installed where the 2:1 slopes are proposed.

The primary reason for steepening slopes to 2:1 is the lack of viable wetland mitigation sites in this watershed. Although guardrail is considered an obstacle, the new roadway will have 8-foot shoulders compared to the existing 4-foot shoulders. It will also have rumble strips to warn errant drivers. Therefore, even though the guardrail is an obstacle, the safety of the new roadway is considerably greater than the existing roadway; however, safety is compromised to some degree in comparison to the standard typical section.

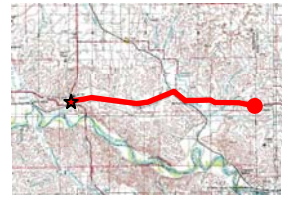
Steepening fill slopes from the standard 6:1 slopes required for fill heights of 10 feet or less, to 2:1 slopes will require a design exception at Site W12.

On the *Bainville – East & West* project, the design for the two-lane portion is in its final stages. The avoidance and minimization measures completed to date are presented in the following paragraphs:

Wetlands 3, 8 and 8B:

The alignment was shifted to the south to reduce impacts to these wetlands. Shifting farther to the south would have resulted in impacts to wetlands located south of the roadway as well as two ponds also located on the south side.

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Wetlands 4 and 6:

MDT is currently proposing to utilize steepened fill slopes (2:1) with guardrail to avoid impacts to the ponds and adjacent wetlands W4 and W6 at about RP 657.3. A design exception will be required for these steepened slopes.

Wetlands 10 and 10A:

The roadway alignment is shifting to the north at this location. Shifting to the north farther east would have reduced impacts to these wetlands. However, this is the best location to shift north since this portion of the road is located on a horizontal curve. The shift can be accomplished by modifying the curve, while shifting an alignment on a tangent section requires the introduction of two additional and reverse horizontal curves.

Wetlands 20 and 22:

The impacts to these wetlands are the result of an alignment shift to the south. The impacts are unavoidable as the shift to the south was done to avoid a much larger wetland (W21) on the north side of the roadway. Staying on the existing alignment or shifting north would have resulted in greater wetland impacts.

Wetland 25D:

The alignment was shifted to the south to avoid impacts to utilities and a residence. In addition, a wetland of similar size and function is located north of the roadway so staying on the existing alignment or shifting north would result in approximately the same amount of impact.

Wetland 27B:

The alignment was shifted to the south to avoid impacts to utilities (3-phase overhead power line which is very expensive to relocate) and a residence. In addition, a wetland of similar size and function is located north of the roadway so staying on the existing alignment or shifting north would result in approximately the same amount of impact.

Wetland 28B and 29:

The impacts at these sites are due to an alignment shift to the south. This alignment shift was done to avoid a much larger wetland (W28A) on the north side of the roadway. Staying on the existing alignment or shifting north would have resulted in substantially greater wetland impacts. This shift also avoids impacts to a utility on the north side.

Wetland 31:

The alignment follows the existing alignment on this segment of the project. Shifting to the south to avoid this wetland is not feasible because of the reservoir located on the south side of the roadway. The roadway embankment also functions as the dam for this reservoir.

Designers avoided wetlands W21, 23, 24, 25B, 27A, and 28A entirely by shifting the alignment. Most of these wetlands were the larger ones. Additionally, the location of the alignment was limited by having town south of the roadway.

Mitigation

MDT will consider means to avoid and minimize impacts to wetlands such as adjusting horizontal and vertical alignments and steepening side slopes with appropriate consideration of driver safety.

Wetland mitigation opportunities along the project corridor are being investigated. In the event that insufficient suitable on-site wetland mitigation opportunities are identified, wetland impacts will be mitigated at a COE-approved off-site mitigation reserve. A Clean Water Act 404 Permit would be required for impacts to COE-jurisdictional wetlands.

3.10 Waterbodies, Wildlife Resources, and Habitat

The Biological Resources Reports (BRR) prepared for this proposed project provides a detailed accounting of the terrestrial and aquatic species, and species of concern that are known to occur or could occur within the proposed project area.

Wildlife Resources

General wildlife species occurring in the proposed project area were identified through state and federal agency consultation, direct and indirect observations of wildlife use during field surveys, and data on wildlife and vehicle collisions collected by MDT and law enforcement agencies.

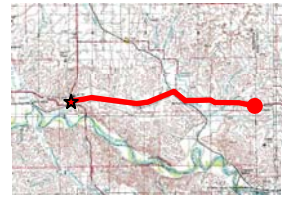
According to the BRR prepared for this proposed project, five or six amphibian species, six to nine species of reptiles, 47 species of mammals, and up to 176 species of birds may occur within the study area.

The BRR prepared for this proposed project identified Species of Concern that had the potential to occur within the study area. Based on lack of suitable habitat and confirmed records for these species within the project corridor or immediate vicinity, no direct, indirect or cumulative impacts are anticipated.

Note:

The **bald eagle** was listed as a federally endangered species in 1967, and after successful management efforts, downlisted to threatened in 1995, and delisted in August 2007, thus this species no longer requires formal (Section 7) consultation with the USFWS. Although

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considered a “recovered” species by the USFWS, bald eagles will continue to be protected by the Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act.

Bald eagle use of this corridor is primarily by migratory and transient individuals, with some winter use, and there is no known nesting in the project corridor or immediate vicinity. Construction activities may disturb the foraging activities of non-breeding bald eagles passing through the area; however, these impacts are likely to be minor and of short duration. If relocated power lines in the project corridor are raptor-proofed, no direct, indirect, or cumulative impacts are anticipated.

Habitat/Vegetation

The principle habitat within the study area includes rolling grasslands, irrigated hay meadows, emergent wetlands, riparian and wetland corridors, and several small streams. Drainages provide water, cover, and forage for a large diversity of wildlife species ranging from migrating and nesting songbirds to amphibians, reptiles, small mammals, and large ungulates. These corridors also serve as a daily and seasonal migration pathway for animals traversing the landscape. Due to their diverse vegetative composition/structure and/or proximity to water, albeit ephemeral, many wildlife species utilize wetland habitats along the project corridor at different times due to the diverse vegetative composition/structure and varying hydro periods of the wetland areas.

Of the 31 plants designated as noxious weeds in Montana, six Category I weed species have been identified in Roosevelt County, including:

- Russian knapweed (*Centaurea repens*)
- Spotted knapweed (*Centaurea maculosa*)
- Field bindweed (*Convolvulus arvensis*)
- Canada thistle (*Cirsium arvense*)
- Leafy spurge (*Euphorbia esula*)
- Dalmation toadflax (*Linaria dalmatica*)

Three of the six Category I noxious weed species known to occur in Roosevelt County have been identified as occurring sporadically throughout the project corridor: Canada thistle, field bindweed, and leafy spurge, with leafy spurge at a higher infestation level at the west end of the project.

Fisheries and Aquatic Resources

To date, no fisheries information exists for Shotgun Creek or Red Bank Creek. According to MFWP Fisheries Biologist, these creeks are considered ephemeral and are, therefore, presumed to not have the flow necessary to sustain fish populations. The limited fisheries for Little Muddy Creek revealed the presence of walleye from the mouth upstream to the confluence with Shotgun Creek. Unidentified fingerlings were observed surfacing in the scour pool at the culvert outlet on Little Muddy Creek. Clover Creek was also mapped by the USGS and found to flow only during high precipitation events, and is therefore likely ephemeral.

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In addition to the creeks mentioned above, there was open, standing water observed in potential wetlands. At this time, only warm water fish species are suspected of potentially occupying these open water areas.

Impacts

Impacts to waterbodies would be limited to temporary disturbance during the replacement and lengthening of pipe crossings under the existing roadway and widened highway facility under the Preferred Alternative.

Construction of the project could result in direct wildlife mortality; primarily to those species with limited mobility and/or those occupying their burrows or nests at the time of construction. More mobile species and most adult birds would be able to avoid direct mortality by moving into adjacent habitat.

Amphibian and reptile species could be directly impacted by excavation and placement of fill materials in wetland and riparian areas that provide seasonal, over-wintering, and breeding habitat.

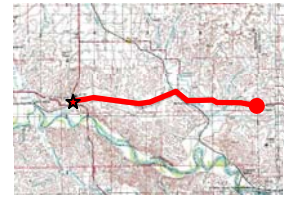
Direct impacts to bird species nesting in the project corridor would be expected as a result of construction activities occurring in wetland, riparian, and grassland nesting habitats. If constructed during the nesting season, construction associated with the removal of the bridges and culverts along the project corridor could directly impact nesting birds, resulting in a taking of migratory birds.

Direct mortality and loss of habitat for small mammals with limited mobility and those with dens within the project construction limits are expected during the construction of the new road alignment. Reconstruction of the existing alignment, however, should not result in appreciable increases in displacement of individuals or populations, direct mortality, or additional habitat fragmentation affecting small mammal populations.

The Preferred Alternative would be located in habitats that have already been altered by human activities. One effect of these human activities is currently reflected in the animal vehicle collision (AVC) data for the project corridor, that shows an average of 13 AVC annually. Many factors that influence the frequency of animal-vehicle collisions on a roadway are: population density, mobility, availability of forage and water, breeding behavior and, seasonal and daily movements. All of these factors currently influence the number of animal-vehicle collisions on the existing roadway and they will likely continue to do so on the new roadway.

The design of the roadway itself can also be a contributing factor (roadway width, alignment, grade, clear zone width, number of lanes, etc.), vehicle speed and traffic volume. Also affecting the frequency of animal-vehicle collisions are factors related to driver characteristics and behaviors including vehicle type, attentiveness and reaction time.

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All of these factors and influences will be investigated during the project's design to produce a project that will effectively balance the needs of the traveling public and the biological resources. To date, the data indicates that some effect to the biological resources is likely to occur because of the construction of the Preferred Alternative. But, this effect is not expected to have a long term influence on the areas wildlife population once they become acclimated to the new facility.

Mitigation

The following mitigation measures would be used to minimize adverse impacts to waterbodies, wildlife resources, and habitat.

- Adherence to applicable conditions including CWA 404 Permit, SPA124 Notification, and MPDES Permit.
- Development of a SWPPP and adherence to BMPs.
- As necessary, approved and/or required by the USFWS, MDT would use distractive measures on the underside of the bridges in the spring prior to construction. In accordance with the provisions of the Migratory Bird Treaty Act (MBTA) to prevent the direct (kill or capture), or incidental take (unknowingly or accidentally killing or harming individuals while doing some other activity) of migratory bird species, a temporal restriction on bridge removal activities during the nesting season would be implemented to protect migratory birds.
- To reduce the spread and establishment of noxious weeds and to re-establish permanent vegetation, disturbed areas within MDT right-of-way or construction easements will be seeded with desirable plant species, as soon as practicable as recommended and deemed feasible by the MDT Botanist. Re-vegetation will be conducted according to applicable laws.
- Channel changes will be constructed with equivalent stream length, slope, and vegetation.
- To minimize potential impacts to the bald eagle, overhead power lines to be relocated within the public right-of-way would be raptor-proofed and overhead power lines relocated on private right-of-way are recommended to be raptor-proofed, in accordance with MDT policies.
- The USFWS recommends that an action agency conducting activities that may "take" bald eagles follow the *National Bald Eagle Management Guidelines* to avoid violating the Eagle Act until they can obtain a permit authorizing the take under the BGEPA.
- MDT will consider means to avoid and minimize impacts such as adjusting horizontal and vertical alignments and steepening side slopes with appropriate consideration of driver safety, over sizing culverts, lengthening bridges, encouraging use of wildlife friendly right-of-way fencing, and vegetative reclamation techniques.

3.11 Floodplains

The study corridor passes through flood zones near Culbertson (MP 645), and a 100-year flood zone is mapped at the intersection of US 2 and MT 16 and surrounding areas within the Culbertson city limits. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM's) for Roosevelt County show no FEMA delineated 100-year floodplains from Bainville to the North Dakota state line.

Impacts

There may be floodplain impacts within the Town of Culbertson, dependent on the final design.

Although not delineated, longitudinal impacts to floodplains are anticipated at the following approximate locations:

- RP 646.3 to RP 646.7 (Clover Creek)
- RP 652.1 to RP 652.3
- RP 652.6 to RP 652.9
- RP 654.1 to 654.4

The potential flood impacts at crossings within this area will be unchanged or improved with the proposed project.

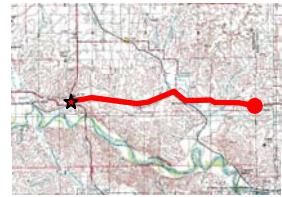
Mitigation

A floodplain development permit may be required within the Town of Culbertson. In order to satisfy delineated floodplain requirements, it will be necessary to perpetuate the existing roadway elevation and grades in the first block of this proposed project in Culbertson.

As part of the design effort, a location study will be prepared and will include evaluation and discussion of the practicability of alternatives to any longitudinal encroachments on floodplains. For this proposed project, the location study will likely include discussion of the following items:

- The risks associated with implementation of the action,
- The impacts on natural and beneficial flood-plain values,
- The support of probable incompatible flood-plain development,
- The measures to minimize flood-plain impacts associated with the action, and
- The measures to restore and preserve the natural and beneficial flood-plain values impacted by the action.

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3.12 Threatened/Endangered (T/E) Species

The threatened and endangered species potentially affected by this proposed project were identified through coordination with the USFWS during preparation of the BRR for this proposed project. Based on this information, the following four threatened and endangered species were identified as occurring in or near project area.

- Pallid Sturgeon (*Scaphirhynchus albus*), Endangered
- Piping Plover (*Charadrius melodus*), Threatened
- Least Tern (*Sterna antillarum*), Endangered
- Whooping Crane (*Grus Americana*), Endangered

Impacts

Pallid Sturgeon

The preferred habitat of the pallid sturgeon is the bottom of large, swift, turbid, relatively warm, free flowing rivers, and is known to occupy the lower reaches of the Missouri River in Montana. Based on the lack of suitable habitat and confirmed records from this species within the project corridor or immediate vicinity, no direct, indirect or cumulative impacts to the pallid sturgeon are anticipated. Based on the analysis presented, the proposed project will have **no effect** on the pallid sturgeon.

Piping Plover

Although the Missouri River from Wolf Point to the North Dakota state line has been listed as one of four Critical Habitat Units in Montana, a search of the MNHP database did not disclose any records for the Piping Plover within 5.0 miles of the proposed project area. Piping Plover use of the project area is primarily by migratory and transient individuals. Because piping plovers are not known to nest in the immediate project area and no suitable piping plover nesting habitat occurs within or immediately adjacent to the proposed construction area, no direct, indirect or cumulative impacts to piping plover are anticipated. Based on the analysis presented, the proposed project will have **no effect** on the piping plover.

Least Tern

During a field survey in 2002, a pair of least terns was observed in the proposed project area. The terns were exhibiting breeding behavior. However, least terns usually nest in small colonies along sparsely vegetated flat, open, sandy beaches of rivers, lakes, and wetlands. Based on the lack of suitable habitat within the project corridor, direct, indirect and cumulative impacts to the Least Tern are unlikely to occur. Based on the analysis presented, a **no effect** determination is warranted for the least tern.

Whooping Crane

According to the BRR prepared for this proposed project, it is conceivable that whooping cranes may occasionally migrate through the project area due to the observations 14 miles from the project area. Also, whooping cranes are primarily granivorous during migration, and exploit cultivated grains, such as barley and wheat. Consequently, much of the habitat in the project

Culbertson East to North Dakota

area could be used by migrating Whooping Cranes. Construction during spring and fall could conceivably temporarily disturb this species during stopovers at emergent wetlands or in grain fields within the project vicinity. However, similar habitat is abundant in the immediate vicinity away from proposed construction activities and would provide ample habitat for displaced birds. Therefore, impacts to migrating whooping cranes resulting from construction of the project are considered negligible. Based on the analysis presented, a no effect determination is warranted for the whooping crane.

Mitigation

No mitigation required.

3.13 Cultural/Archaeological/Historic Resources

The Cultural Resources Inventories prepared for this proposed project and the *Bainville – East & West* project indicate there are a total of 23 historic sites in the study area. No prehistoric sites or isolates were located during the survey. Of the recorded sites, two linear sites were previously assessed to be eligible for the NRHP. Only one historic architectural site (The Peterson House 24RV0789 located and recorded in 2007) was commended to be eligible for the National Register of Historic Places (NRHP). Table 3.5 identifies the recorded sites and their eligibility for listing on the NRHP.

Impacts

The Preferred Alternative will continue to cross the historic rail line and impact small portions of the historic roadway segments that lie adjacent to the existing alignment, as illustrated in Figure 3-5 below. Right-of-way would also be required from the front yard of the Peterson House (24RV0795) with the Preferred Alternative in Culbertson, as illustrated in Figure 3-6. Table 3.5 provides the Determination of Effect for each eligible property in the corridor.

A copy of the SHPO concurrence with this assessment is contained in Appendix B.

Environmental Assessment

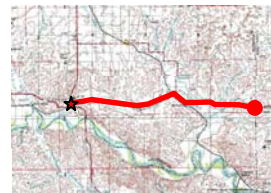


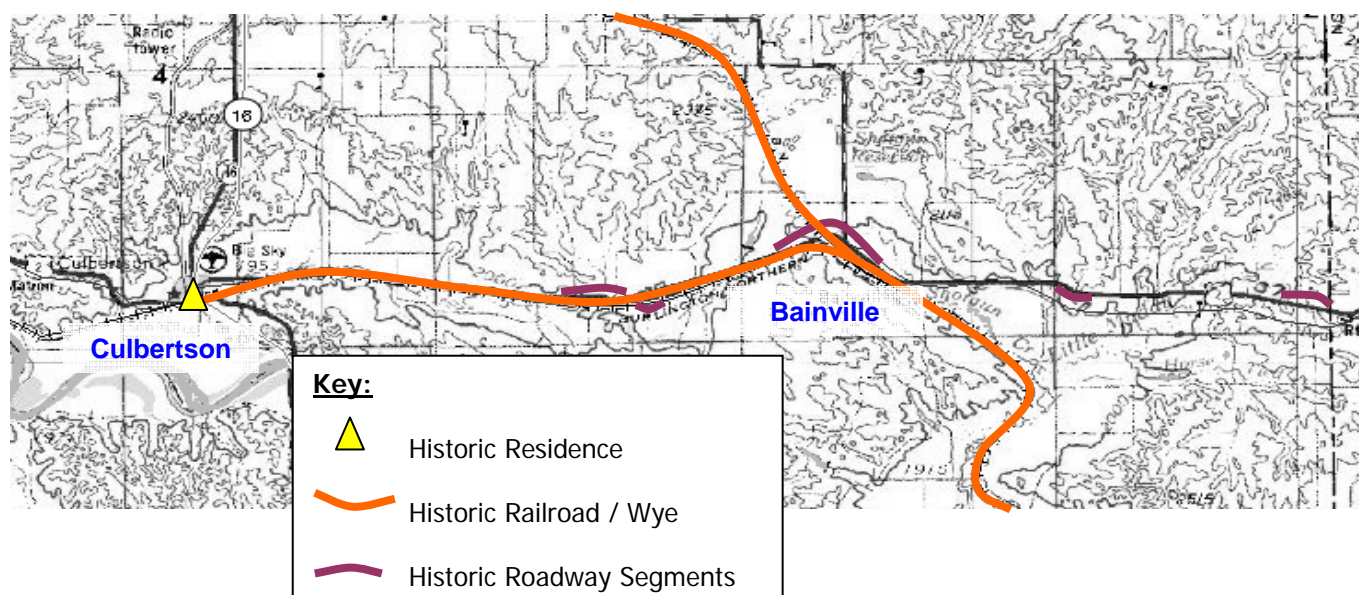
Table 3.5
Results of Cultural Resource Inventories

Site No.	Name	NRHP Status	Determination of Effect
24RV0132	Great Northern Railroad	Eligible	No Effect
24RV0185	Oelker's Carter Servicecenter	Eligible*	--
24RV0186	Elkhorn Motel	Ineligible	--
24RV0191	Peterson's Garage	Ineligible	--
24RV0657	Great Northern Railroad Wye	Eligible	No Effect
24RV0658	Shotgun Creek Bridge	Ineligible	--
24RV0659	Borrow Pit	Ineligible	--
24RV0661	Historic Road Segment	Ineligible	--
24RV0662	Historic Road Segment	Ineligible	--
24RV0665	Theodore Roosevelt International Hwy	Eligible	No Adverse Effect
24RV0667	Historic Cultural Material Scatter	Ineligible	--
24RV0668	Farmstead	Ineligible	--
24RV0669	Historic Road Segment	Eligible	No Effect
24RV0670	Cultural Material Scatter & Historic Depression	Ineligible	--
24RV0787	Williams House	Ineligible	--
24RV0788	Damm House	Ineligible	--
24RV0789	Petersen House	Eligible	No Adverse Effect
24RV0790	Nickoloff Place	Ineligible	--
24RV0791	Schaff House	Ineligible	--
24RV0792	Funnicum House	Ineligible	--
24RV0793	Thorson House	Ineligible	--
24RV0794	Hyliners Casino	Ineligible	--
24RV0795	Clover Creek Bridge	Ineligible	--

*Site is outside the western project limits and is not discussed further.

Source: Cultural Resource Inventory, Frontier, 2007.

Figure 3-5
General Location of Historic and Cultural Resources



Culbertson East to North Dakota

Figure 3-6
Impacts to Petersen House (24RV0795)



Section 4(f) Coordination

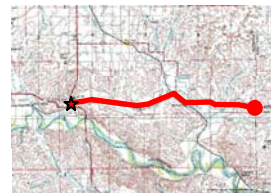
Section 4(f) of the Transportation Act of 1966 was amended in 2005 with the passage of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The amended law authorizes FHWA to approve a project that results in a de minimis impact to a Section 4(f) resource without the evaluation of avoidance alternatives typically required in a Section 4(f) Evaluation.

The proposed project would have **No-Effect** on the historic road segment (24RV669), the Great Northern Railroad (24RV132), or the Great Northern Railroad Wye (24RV657).

Based on the SHPO concurrence with the **No Adverse Effect** determination under Section 106, FHWA has made a *de minimis* finding with respect to the impacts to each of the following properties:

- 24RV0789 Petersen House
- 24RV0665 Theodore Roosevelt International Hwy

Environmental Assessment



Mitigation

Preliminary designs have been modified to avoid/minimize impacts to historical resources. MDT will install an interpretive marker about the Theodore Roosevelt Highway at the Culbertson rest area.

3.14 Hazardous Waste Sites

The TRED Study identified over 20 small quantity generators, Underground Storage Tank (UST) sites, Leaking Underground Storage Tank (LUST) sites, and recorded spill sites within the proposed project corridor.

Impacts

No direct impacts to these facilities are anticipated.

Mitigation

In accordance with MDT Standard Specifications, if contaminated soils or hazardous materials are encountered, excavation and disposal will be handled in compliance with applicable federal, state, and local regulations.

3.15 Construction Impacts

Based on the conceptual design prepared to date, construction cost estimates for the four-lane design configuration for the study corridor are estimated at approximately \$68 million. MDT has reserved \$2 million from a SAFETEA-LU earmark to move forward into this analysis on US 2. The non-federal match is approximately \$310,000 and will not jeopardize any future highway project, and thus would not violate MCA 60-2-133 as disclosed in Section 2.4 of this document. MDT would also continue to seek additional federal funds that do not require a state funding match for future phases including construction.

Construction activities for the Preferred Alternative would cause temporary inconveniences to the traveling public. Overhead transmission lines and utility poles, a 42" natural gas pipeline, as well as underground telephone lines, would be affected by project construction. Utility relocations would be coordinated with each line's owner and would be done before construction. Notification of service interruptions due to these relocations would be the responsibility of these utility line's owners. Such disruptions are normally minor and are usually limited to the customers on the affected lines. At this time, it is not anticipated that other utilities would be impacted by the Preferred Alternative.

Construction activity impacts could occasionally result in increased travel times; detours; temporary road closures and access modifications; increased potential for erosion, sedimentation

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and weed infestation in disturbed areas; temporary impacts to habitat from noise and dust due to the use of heavy machinery. Disturbed areas created during construction could create land and water erosion potential that could impact water quality and/or create temporary habitat and vegetation loss. Additional short-term construction impacts could include temporary displacement of wildlife, migratory birds, and aquatic species from human-related disturbance. However, because of the different phases of construction, no single location would experience a long-term period of disruption. Wildlife and migratory bird populations found in the project area are likely accustomed to periodic human disturbances due to the presence of the existing roadway.

These disruptions would occur intermittently throughout the construction period. The phasing of construction and duration of disruption will not be known until funding is identified.

Under the No Build Alternative, the existing roadway would remain and no construction would take place. No utilities would require relocation under the No Build Alternative.

Mitigation

Potential construction-related impacts of the Preferred Alternative would be avoided and minimized where possible through various measures. Access to businesses and residences would be maintained during construction through a traffic control plan. As practicable, the existing highway would remain in use for continued access during the construction process. Other traffic related impacts would be in accordance with MDT's Work Zone Safety and Mobility Rule. This study can be accessed online at: <http://www.mdt.mt.gov/publications/manuals.shtml>. At this time, it is anticipated that existing bridges will be used while new structures are being constructed. Advance warning and detour signing would be in accordance with the Manual on Uniform Traffic Devices, thereby minimizing construction impacts.

MDT Standard Specifications require that contractors comply with applicable state and federal air quality rules, which may require use of dust suppression and emission control measures to minimize short-term impacts related to construction dust.

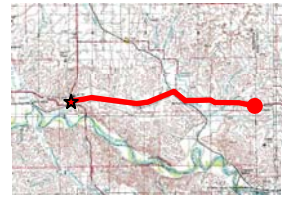
MDT Standard Specifications require that contractors comply with applicable laws and regulations to minimize construction noise pollution.

Efforts will be made to avoid and/or minimize utility impacts. Where utility conflicts cannot be avoided, the utility will be relocated. MDT Standard Specifications require coordination with utility owners to minimize interruption to utility service.

A Storm Water Pollution Prevention Plan (SWPPP) will be prepared and maintained in compliance with CWA Section 402 / MPDES regulations.

The contractor will be required to adhere to MDT Best Management Practices (BMPs) for erosion and sediment control (and all applicable permits).

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Contractors will be required to comply with applicable permits and notifications including a CWA Section 404 Permit, SPA 124 Notification, and the Montana Water Quality Act.

To reduce the spread and establishment of noxious weeds and re-establish permanent vegetation, disturbed areas within MDT right-of-way or easements will be seeded with desirable plant species, as recommended by the MDT Botanist. Revegetation will be conducted in accordance with MDT Standard Specifications.

In accordance with MDT Standard Specification, in the event that previously unrecorded cultural material is found during construction, activities in the immediate area would be halted, and the MDT Archaeologist would be contacted to assess the find.

3.16 Indirect and Cumulative Impacts

Indirect impacts are those that are related to, but not directly resulting from the physical construction of the proposed improvements.

Cumulative impacts are those which “result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR 1508.7).”

Because US 2 is an existing highway facility, cumulative impacts include any additive impacts associated with the historic construction, reconstruction, and use of the existing facility, as well as additive regional impacts created by other projects, related or unrelated to this action.

MDT and FHWA recognize that the issues of secondary and cumulative impacts are important. A substantial amount of time and effort went into trying to determine whether this proposed project, in combination with other actions, might have some level of cumulative effect that would not be apparent from looking only at the project being proposed. Induced economic growth and development caused by this or any proposed highway expansion project is difficult to forecast. Many factors outside a highway expansion project influence local development outcomes.

Highway expansions can have more and less favorable effects on local development. Faster, safer roads can hamper community’s economic growth by facilitating the flow of local spending to larger trade centers and enabling truck carriers to pass through communities, for instance. On the positive side, better highways can encourage business locations, enable industrial specialization, support growth in tourism, and open a wider territory to job seekers. Similarities in the development of Eastern Montana communities on and off the Interstate system since its development suggest that a four lane road is not a panacea to development. No MDT study involving Montana’s US 2 corridor to date has concluded that its four-lane expansion is justified on the basis of expected economic impacts alone.

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There are a multitude of factors that influence growth. Some factors may include the presence of scenery, availability of jobs, cost of gasoline, and mortgage interest rates which are influenced by federal monetary policy. Other factors can include property taxes, quality and availability of schools, availability of utilities and services, and land use policies of local governments. All of these can interact in unpredictable ways, which makes it difficult to predict how widening an existing two-lane highway to four lanes would relate to growth and development in either the immediate or surrounding areas.

As noted previously in this EA, the project area is not experiencing either population or employment growth, thus no large-scale county, local or private developments are reasonably foreseeable in the immediate area. The potential for substantive cumulative impacts that can be reasonably anticipated would include other recently completed, planned, or ongoing MDT projects such as:

Bainville – East & West (NH 1-10(29)656; CN2145) Reconstruction of US 2 from west of Bainville at Reference Post (RP) 656.3 into North Dakota at RP 0.095.

Big Muddy Creek – East (NH 1-10(50)639; CN 4334) Reconstruction of US 2 from Big Muddy Creek east to Culbertson

Bainville – South (STPS 327-1(8)1, CN 4907) Reconstruction of MT 327

Roosevelt County Line – East (NH 1-10(54)581; CN 5495) Construction of new right hand turn lane off of US 2 for safer access onto MT 250, overlay and seal/cover US 2 from Roosevelt County Line to Wolf Point

Brockton – East (NH 1-10(48)626; CN 4058) Reconstruction of US 2 east of Brockton to the Muddy Creek bridge

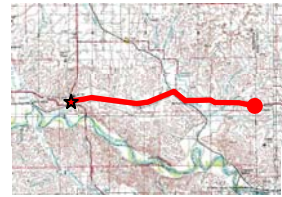
Oswego – East & West (NH 1-9(38)573; CN 2147) Reconstruction and widening of US 2 east and west of Oswego in Valley County

Turn Lanes – East of Wolf Point (SFCN 1-10(56)593; CN 5957) Major rehabilitation of approximately 0.5 mile of US 2 to include widening and turn lanes

Taking all of the information in this document into consideration, the proposed project combined with those listed above are not expected to cause cumulative effects not otherwise considered herein. To begin with, and as noted elsewhere, the proposed project has “logical termini” and “independent utility.” These concepts are to ensure that the geographic scope of project being considered is appropriate. See 40 CFR 1508.7, 1508.8(a), and 1508.25. Also see 23 CFR 771.111(f). As a result, the concepts of connected actions, indirect effects, and cumulative effects merge, as all are attempts to define the proper geographic scope of the environmental document. Therefore, to some extent, cumulative analysis already is build into the notion of logical termini.

The other projects listed above are to a great degree separated from the proposed projects by considerable distance, intersections with other highways, distinct geographic areas with communities, distinct watersheds, and timing requirements for funding (40 CFR 1508.25). In other words, they are not connected actions.

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There are other indications that the proposed project would not result in other cumulative effects. First, the analysis of truck traffic in the TRED Study indicates the proposed project is not expected to result in substantial increases in truck traffic through the project area, but is rather intended to accommodate the increase in truck traffic due to other economic growth in the broader geographic area. While the proposed project is intended to alter existing truck traffic patterns or routes, truckers already use the Theodore Roosevelt Expressway route because of its access to a 24-hour port at the Canadian border. Truck traffic is projected to increase with or without the proposed projects. Minor increases in truck traffic above what would be expected from area growth would be expected due to improved operation and safety, especially under wet, snowy, or icy pavement conditions.

It is important to note population growth is occurring and has occurred in western Montana in areas where there are inadequate roads, such as the Bitterroot Valley and in the Flathead Lake/Whitefish areas. This leads to the conclusion that population and traffic growth result from factors associated with employment opportunity, proximity to family, and scenic and aesthetic values associated with these rural areas.

It is possible that an increase in traffic, if that were a result of this project, would mean an increase of certain types of business or businesses catering to such traffic or the needs of travelers. In other words, businesses such as gas stations, convenience stores, restaurants and motels could see some increased business. However, given the uncertainty of any predictive models and given that such traffic increase would probably happen in any event, it is reasonable to say that any increase in business would not promote impacts not already considered in this document.

Given the levels of out-migration of people in the region and the lack of recent economic growth in the study area, and the size and nature of the above MDT projects in the area, the greatest potential for cumulative impacts would be from the pending reconstruction of US 2 on the *Bainville – East & West* project, the anticipated four-lane expansion in North Dakota, and the possible future four-lane expansion on MT 16 from Culbertson to the Canadian border. Any other state or federal action, including improvements to US 2 in North Dakota or MT 16 in Montana, would be the subject of future NEPA/MEPA review as those projects are proposed. With this understanding, the proposed project would not trigger additional environmentally significant events.

The following provides a summary of the known and potential cumulative impacts within these Montana portion of the Theodore Roosevelt Expressway.

Land Use and Right-of-Way

Overall land use would be anticipated to remain in dryland farming and grazing and would not result in a significant cumulative impact.

In addition to the approximately 180 acres of new right-of-way required for the Preferred Alternative, the *Bainville – East & West* project would require approximately 97 acres of new right-of-way, for a total of approximately 277 acres of new right-of-way between Culbertson and

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the North Dakota state line. New right-of-way could also be required along MT 16 from Culbertson to the Canadian border.

No residents or businesses would be relocated by the *Bainville – East & West* project. It is possible that relocations would be required in Froid, Medicine Lake, Reserve, Antelope, Plentywood, and Raymond to accommodate the reconstruction and widening of the MT 16 portion of the Theodore Roosevelt Expressway. It is unlikely that relocations would be required along the North Dakota portion of US 2.

Farmland

In addition to the anticipated impact of approximately 10 acres of Prime if Irrigated, and 20 acres of Farmland of Statewide Importance, the *Bainville – East & West* project would impact approximately 30.3 acres of Farmland of Statewide Importance. It is not known how much Prime, Unique, or Statewide Important Farmland would be impacted to the north on MT 16. Mapping of farmlands is included in the TRED Study in the Environmental Scan section.

Social

It is not anticipated that the Preferred Alternative when viewed in conjunction with other improvements in the US 2 and MT 16 corridors would have any substantive effect on the population size, demographics, or household income.

There would be an overall positive effect on travel and access throughout the corridor(s).

There could be cumulative impacts to parks and recreational properties as discussed below under the Section 4(f) / Section 6(f) heading.

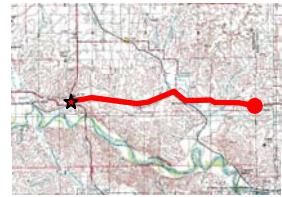
Economic

Part of the regional interest in this proposed project is the potential for enhanced regional economic development from improved transportation facilities. As stated in the Purpose and Need of this EA, four-lane continuity along the entire trade route would:

- strategically position the corridor as a freight corridor and as a NAFTA corridor that handles the long term growth;
- position the corridor as a true alternative, and therefore a competitor, to interstate roadways in the region. The competitiveness of the corridor would be reflected in induced traffic demand and eventually increasing economic development;
- play a substantive role in driver perception. The perception that this route is safer would cause managers to make this corridor the segment of choice for their long-haul trucks in the region; and
- ensure design consistency and therefore a synergistic effect on traffic and freight growth along the corridor.

Based on these factors, MDT expects that the overall cumulative effect would be positive on the economic conditions in the study area and beyond.

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Pedestrians and Bicyclists

If future designs were consistent on US 2 east of the Preferred Alternative, and on MT 16 north of Culbertson, pedestrians and bicyclists would experience an overall positive cumulative effect with wider shoulders throughout the corridor.

Air Quality

As noted in Section 3.6, the proposed project is located in unclassifiable/attainment area of Montana. Because traffic volumes would not be expected to rise to levels that would cause congestion and increased emissions, there would be no cumulative effects on air quality.

Noise

It is not anticipated that there would be cumulative effects on noise, but detailed noise studies would need to be conducted in the easterly portion of US 2 in North Dakota and north on MT 16 to determine if any sensitive noise receptors would be impacted.

Surface Water/Irrigation/Water Quality

In their response letter dated July 26, 2007, DEQ has identified impaired waterbodies listed in the 2006 303(d) list in Hydrologic Unit Codes 10060005 and 10060006, including the Missouri River from the Poplar River to North Dakota, Charlie Creek from the confluence of the East and middle Creeks to the mouth, Hard Scrabble Creek, Big Muddy Creek from the Fort Peck Reservation to the mouth, Big Muddy Creek from the border of Canada to the Fort Peck Reservation, and Medicine Lake, as in the vicinity of the proposed project.

Through the use of standard engineering controls which have improved over time, and the use of BMP's, there would be minimal or no anticipated adverse cumulative effect on water quality either within the immediate project corridor or to the other resources listed above by other projects.

Additional design considerations and coordination with the USFWS would need to be undertaken in the Medicine Lake NWR to ensure that no significant adverse effects were experienced from the increased roadway runoff in that area.

Wetlands

In addition to the approximately 3.8 acres of impacts associated with the Preferred Alternative, the *Bainville – East & West* project would impact approximately 11.6 acres of wetlands, for a combined total of just over 15 acres of impacts in the US 2 corridor from Culbertson to the North Dakota state line.

The TRED Study identifies an additional 35 potential wetland areas along MT 16 from Culbertson to the Canadian border. These wetlands are depicted in the Environmental Scan section of that document. It is expected that those wetland areas would be impacted to varying degrees. Those impacts would require coordination with the US Army Corps of Engineers.

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Waterbodies, Wildlife Resources, and Habitat

The MT 16 corridor currently travels through the westerly end of the Medicine Lake National Wildlife Refuge (NWR). The NWR lies within the highly productive prairie pothole region that extends from southern Canada through northeast Montana, the Dakotas, and western Minnesota. The region contains many thousands of small wetlands that produce over 50 percent of the waterfowl originating in the contiguous United States. Medicine Lake NWR lies in the mixed grass and short grass prairie transition zone. Marshes, shelterbelts, croplands, grasslands, and large water bodies provide both migration and nesting habitat for a vast array of wildlife. Improvements to the roadway that would widen or realign it through the Medicine Lake NWR would likely affect adjacent habitats. Pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, the U.S. Fish and Wildlife Service notes that coordination with Refuge staff would be required relative to these concerns and others that may become apparent if a project is proposed for this stretch of highway.

The refuge was established in 1935 and today consists of two units comprising 31,457 acres. The north unit contains the 8,700-acre Medicine Lake as well as eight other small lakes. The Homestead Unit consists of the 1,280-acre Homestead Lake and adjacent uplands. The 11,360-acre Medicine Lake Wilderness Area was established by Congress in 1976. This area includes the main water body of the lake and the islands within. Also included is the 2,320-acre Sandhills Unit with its unique rolling hills, native grass, cactus, and clumps of chokecherry, buffalo berry, and buck brush.

Marsh and water areas of the refuge attract up to a quarter-million waterfowl during the spring and fall migration. Some of these species remain to nest on the refuge and produce up to 30,000 ducklings and 900 goslings annually.

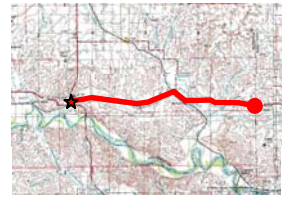
The refuge has one of the largest white pelican rookeries left in the United States. Over 2,000 pelicans are generally produced each year. The refuge islands provide secure nesting sites for other colonial nesters, including double-crested cormorants, California and ring-bills gulls, and great blue herons. Grebes, and many other marsh and shore birds nest in the vegetation and on the shoreline of the lakes.

Thousands of sandhill cranes arrive in the vicinity of the refuge for a short stop on their way south each October. The refuge is located in the migrational corridor of the endangered whooping crane, state sensitive peregrine falcon, and the recently delisted bald eagle. The refuge also supports an active breeding population of endangered piping plovers.

Ring-necked pheasants are commonly seen along the refuge tour route. Pheasants find the heavy grass, alfalfa, and grain mixture (which is seeded for waterfowl nesting cover) to their liking. These stands of seeded grass also attract one of the largest white-tailed deer populations in northeast Montana.

The prairie grasslands in some areas of the Theodore Roosevelt Expressway are habitat for prairie birds that are Montana Species of Concern, including burrowing owls, lark bunting,

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Baird's and LeConte's sparrows, chestnut-collared and McCown's longspurs, and occasionally the Sprague's pipit. Prairie grasslands are also home to short-eared owls and sharp-tailed grouse.

Neighboring farmers grow grain crops on designated refuge acres each year. The refuge share, approximately 25 percent, is left standing to provide food sources for many species of wildlife.”¹⁸

As noted above, improvements within the MT 16 corridor could impact waterbodies, wildlife resources, and habitat and require coordination with appropriate resource agencies, including the USFWS, to avoid, minimize, and mitigate potential adverse effects. This proposed project will comply with the terms of the Migratory Bird Treaty Act (16 USC 703, 1918).

Floodplains

MT 16 passes through a mapped flood zone just north of Culbertson near MP 88. This is likely a tributary to the Missouri River. MT 16 also traverses the floodplain located at the intersection of US2 and MT 16 discussed in the main body of this EA. Improvements on MT 16 would have a cumulative effect on this floodplain.

Threatened/Endangered (T/E) Species

No studies have been conducted by MDT to determine what T&E species may occur on the North Dakota portion of US 2, but based on the similar habitat, it is assumed that the pallid sturgeon, piping plover, interior least tern, and whooping crane would all likely occur in that area.

According to a Medicine Lake National Wildlife Refuge (NWR) brochure dated 1992, the NWR supports an active breeding population of endangered piping plovers. Up to 30 pairs of the bird had nested on the refuge in years leading up to publishing of the brochure. The first unit of designated critical habitat for the piping plover contains alkali lake and wetland habitat found in Sheridan County. Therefore, any wetland habitat in the [MT 16] study corridor could be considered critical habitat for piping plover.¹⁹

The whooping crane has also been observed in the marsh habitat present at the Medicine Lake NWR, but is not known to breed in the state. The NWR is located within the migrational corridor for whooping cranes which make occasional visits in the spring and fall.

Further coordination with the USFWS would be required when projects are forwarded to make a formal determination on the impacts to these listed species in the MT 16 corridor, as projects are further developed in this corridor.

Cultural/Archaeological/Historic Resources

The Preferred Alternative and the *Bainville – East and West* project both undertook full Cultural Resource Inventories to determine what historic and cultural resources may be impacted. Impacts from both projects have been coordinated with SHPO.

¹⁸ TRED – Environmental Scan, pg. 36

¹⁹ TRED – Environmental Scan, pg. 34

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According to the MDT archeologist, “. . . MDT can expect there to be dozens of archeological sites within the proposed corridor [including both US 2 and MT 16], many of them significant to our understanding of local and regional pre-history . . . In addition, to archeological resources we can expect to find historic homesteads and ranches within the proposed corridor, as well as historic buildings within the towns of Plentywood, Antelope, Medicine Lake, and Culbertson.”²⁰

The Preferred Alternative would have No Adverse Effect on the historic Peterson House in Culbertson and segments of the Theodore Roosevelt International Highway.

While the existence and potential impacts to any additional historic and cultural resources within the MT 16 and US 2 corridors in North Dakota is not currently known, it should be anticipated that impacts could occur and would need to be investigated further.

Hazardous Waste Sites

Minimal or no cumulative impacts would be anticipated from hazardous waste site encounters, but further investigation would be required along both MT 16 and US 2 to determine the scope and extent of any hazardous waste involvement.

Parks, Recreational Resources, and Medicine Lake National Wildlife Refuge

There are a number of protected properties in the MT 16 corridor from Culbertson to the Canadian border. Potential Section 4(f) properties include:

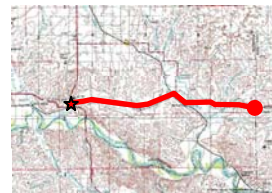
- Playground and ball fields in Culbertson
- Fjeseth Field in Froid
- Medicine Lake NWR
- Tipi Hills historic site in Medicine Lake
- Playground at Mill Street in Plentywood
- Ball field complex in Plentywood
- Plentywood Golf Course
- Raymond Grain Elevators Historic District

Potential Section 6(f) properties include:

- Culbertson playground and ball fields
- Froid City Park
- Medicine Lake Town Park
- Medicine Lake Pool and Park
- Plentywood City Park

Based upon available information, there is a potential for substantial impacts to historic resources along the MT 16 corridor if improvements proposed in the TRED Study were implemented. Further coordination with the SHPO would be required when projects are forwarded to make a formal determination on the impacts to historic resources as projects are further developed in the MT 16 corridor.

²⁰ TRED – Environmental Scan, pg. 40



3.17 Permits Required

The Proposed Action would require a SPA 124 notification under the Montana Stream Protection Act, and the following permits, authorizations, and/or notifications under the Clean Water Act (33 U.S.C. 1251-1376, as amended):

- Section 404 Permit of the Clean Water Act from the U.S. Army Corps of Engineers. It is anticipated the project will qualify under a Nationwide permit.
- A Section 402 / Montana Pollutant Discharge Elimination System (MPDES) authorization from the DEQ's Permitting & Compliance Division. The Preferred Alternative would require new right-of-way and require a Montana Pollutant Discharge Elimination System (MPDES) construction phase permit, which is issued in response to the 1987 re-authorization of the Clean Water Act. The Clean Water Act requires the U.S. Environmental Protection Agency to institute a National Pollutant Discharge Elimination System (NPDES) permitting program for storm drainage systems or to approve the state's programs. EPA approved Montana's program in 1987.

Obtaining the MPDES permit requires development of a storm water pollution prevention plan that includes a temporary erosion and sediment control plan. The erosion and sediment control plan identifies BMP's as well as site-specific measures to minimize erosion and prevent eroded sediment from leaving the work zone.

All work would also be in accordance with the Water Quality Act of 1987 (P.L. 100-4), as amended, and the Montana Water Quality Act.

A floodplain development permit will be required.

The USFWS recommends that an action agency conducting activities that may "take" bald eagles follow the *National Bald Eagle Management Guidelines* to avoid violating the Eagle Act until they can obtain a permit authorizing the take under the BGEPA

3.18 Impact and Mitigation Summary

If the Preferred Alternative is implemented, the following impacts are anticipated, and the corresponding mitigation measures will be incorporated:

Land Use and Right-of-Way Impacts

Impact:

The proposed project would require the acquisition of approximately 180 acres of new right-of-way throughout the corridor, and would require coordination with the BNSF Railway to purchase additional right-of-way and reconstruct the railroad crossing.

Mitigation:

MDT will consider means to minimize right-of-way impacts during final design and right-of-way acquisition. Acquisitions and relocations will be accomplished in accordance with applicable laws; specifically, Title 60, Chapter 4 and Title 70, Chapter 30, Montana Code Annotated; and Title 42, USC, Chapter 61, "Uniform Relocation Assistance And Real Property Acquisition Policies For Federal And Federally Assisted Programs."

Farmland Impacts

Impact:

The proposed project would require the permanent conversion of approximately 10 acres of Prime Farmland if Irrigated, and approximately 20 acres of Farmland of Statewide Importance.

Mitigation:

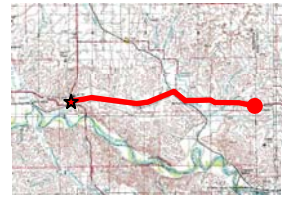
No mitigation is necessary. BMP's will be used to limit disturbance and control erosion, and to reclaim disturbed vegetation within the construction limits.

Social Impacts

Impact:

The Preferred Alternative is expected to require the acquisition of a right-of-way from several existing residential and commercial properties. As a result of the proposed access management, some private access drives and field access on US 2 would be modified or relocated for safety reasons, or to conform with existing access management requirements. Access to fields or private residences, while it may be modified (i.e., lengthened due to the

Environmental Assessment



proposed alignment of US 2), would still be provided. The access changes are not expected to adversely impact existing or future businesses.

Mitigation:

MDT will consider means to minimize impacts during final design and right-of-way acquisition.

Economic Impacts

Impact:

The Preferred Alternative is anticipated to require the acquisition and removal of one commercial building (see Figure 3-1).

Mitigation:

The Preferred Alternative narrows to a four-lane undivided as it approaches Culbertson, to minimize impacts.

MDT will consider means to minimize impacts during final design and right-of-way acquisition.

Acquisitions and relocations will be accomplished in accordance with applicable laws; specifically, Title 60, Chapter 4 and Title 70, Chapter 30, Montana Code Annotated; and Title 42, USC, Chapter 61, "Uniform Relocation Assistance And Real Property Acquisition Policies For Federal And Federally Assisted Programs."

Pedestrians and Bicyclists Impacts

Impact:

The inclusion of sidewalks in town, and wide shoulders through the rural portions would provide an overall benefit to bicycle and pedestrian users within the area.

Mitigation:

No mitigation is proposed.

Air Quality Impacts

Impact:

The proposed project is located in an unclassifiable/attainment area of Montana for air quality under 40 CFR 81.327, as amended. As such, this proposed project is not covered under the EPA's "Final Rule" of September

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15, 1997 on Air Quality Conformity. Therefore this proposed project complies with Section 176(c) of the Clean Air Act (24 U.S.C. 751(a)).

Mitigation:

No mitigation is proposed or required.

Noise Impacts

Impact:

MDT noise impact criterion will not be met or exceeded at any of the existing noise-sensitive receptors in the Present Year (2007) or the Design Year (2029) for either the No-Build or the Preferred Alternative.

Mitigation:

No mitigation is proposed or warranted for existing noise receptors.

Surface Water/Irrigation/Water Quality Impacts

Surface Water Impact:

The Shotgun Creek bridge that will be built with the *Bainville - East & West* project will be widened with this project as it will be an undivided highway in that location. New bridges will also be constructed parallel to the new bridges built with the *Bainville - East & West* project at Red Bank Creek and Little Muddy Creek. In addition, the existing bridge at Clover Creek (at RP 645.6±) will be replaced with two new divided parallel bridges, and at Clover Creek (at RP 648.3±) a divided parallel bridge will be constructed with this project. Longitudinal impacts to the Dry Prairie Waterline can be avoided; however, the line will be crossed in six locations.

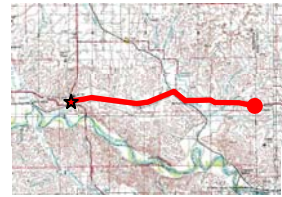
Surface Water Mitigation:

The proposed new bridges over Shotgun Creek, Clover Creek, Red Bank Creek, and Little Muddy Creek, as well as longitudinal impacts and culverts, would be designed in accordance with 23 CFR 650 and in coordination with appropriate resource and permitting agencies.

Irrigation Impact:

Irrigation dikes, headgates, turnouts, and other facilities may be impacted by the Preferred Alternative. Anticipated irrigation impacts occur from RP 647.5 to RP 648.5 (dikes), RP 649.5 to RP 651.0 (dikes), RP 653.5 to RP 655.5 (dikes), and at RP 651.0. In the easterly portion, additional channel relocations and pipe extensions could be required.

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Irrigation Mitigation:

Impacted irrigation ditches, berms, headgates, or other facilities would be replaced in consultation with ditch owners to minimize impacts to farming/ranching operations.

Water Quality Impact:

In general, there would be an increase in the total surface area of paved road related to widening and reconstruction under the Preferred Alternative. The increase in total road surface area decreases the overall permeability of substrate and increases the rate and quantity of surface water runoff from the roadway. The increased surface water runoff has increased potential for erosion, transport of dissolved and particulate contaminants, and for sedimentation. Additionally, the removal and replacement of bridges and culverts and the associated in-stream work will result in temporary increased erosion potential, sediment, and turbidity.

Water Quality Mitigation:

To address the existing stormwater runoff issues within Culbertson, a storm drain would be considered to drain water out of town and prevent ponding along the roadway. While no cost-effective solution has been identified to date, potential solutions will be explored to drain stormwater east out of town to outfall to Clover Creek through a sediment pond near the MDT rest area.

Mitigation of storm water runoff as well as temporary increased erosion potential, sediment, and turbidity can be achieved through engineering controls such as the use of erosion and sediment control features, as well as other Best Management Practices (BMP's). The Preferred Alternative would require a Storm Water Pollution Prevention Plan (SWPPP) and field monitoring/oversight to minimize temporary impacts to water quality due to construction.

Water quality impacts would be avoided and/or minimized through adherence to MDT's Standard Specifications for Road and Bridge Construction, and the 404 Permit conditions required in the Clean Water Act, and coordination of Montana Stream Protection Act (SPA).

Wetland Impacts

Impact:

Projected impacts to wetlands are anticipated to be approximately 3.8 acres.

Mitigation:

Wetland mitigation opportunities along the project corridor are being investigated. In the event that insufficient suitable on-site wetland mitigation opportunities are identified, wetland impacts will be mitigated at a COE-approved off-site mitigation reserve. A Clean Water Act 404 Permit would be required for impacts to COE-jurisdictional wetlands.

MDT will consider means to avoid and minimize impacts to wetlands such as adjusting horizontal and vertical alignments and steepening side slopes with appropriate consideration of driver safety.

Waterbodies, Wildlife Resources, and Habitat Impacts

Impact:

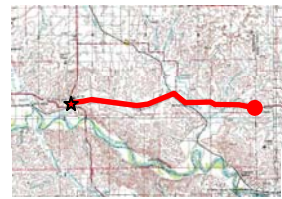
Impacts to waterbodies would be limited to temporary disturbance during the replacement and lengthening of pipe crossings under the existing roadway and widened highway facility under the Preferred Alternative. Construction of the project could result in direct wildlife mortality; primarily to those species with limited mobility and/or those occupying their burrows or nests at the time of construction. Direct impacts to bird species nesting in the project corridor would be expected as a result of construction activities occurring in wetland, riparian, and grassland nesting habitats. Direct mortality and loss of habitat for small mammals with limited mobility and those with dens within the project construction limits are expected during the construction of the new road alignment. Reconstruction of the existing alignment, however, should not result in appreciable increases in displacement of individuals or populations, direct mortality, or additional habitat fragmentation affecting small mammal populations.

Mitigation:

The following mitigation measures would be used to minimize adverse impacts to waterbodies, wildlife resources, and habitat.

- Adherence to applicable conditions including CWA 404 Permit, SPA124 Notification, and MPDES Permit.
- Development of a SWPPP and adherence to BMPs.
- As necessary, approved and/or required by the USFWS, MDT would use distractive measures on the underside of the bridges in the spring

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prior to construction. In accordance with the provisions of the Migratory Bird Treaty Act (MBTA) to prevent the direct (kill or capture), or incidental take (unknowingly or accidentally killing or harming individuals while doing some other activity) of migratory bird species, a temporal restriction on bridge removal activities during the nesting season would be implemented to protect migratory birds.

- To reduce the spread and establishment of noxious weeds and to re-establish permanent vegetation, disturbed areas within MDT right-of-way or construction easements will be seeded with desirable plant species, as soon as practicable as recommended and deemed feasible by the MDT Botanist. Re-vegetation will be conducted according to applicable laws.
- Channel changes will be constructed with equivalent stream length, slope, and vegetation.
- To minimize potential impacts to the bald eagle, overhead power lines to be relocated within the public right-of-way would be raptor-proofed and overhead power lines relocated on private right-of-way are recommended to be raptor-proofed, in accordance with MDT policies.
- The USFWS recommends that an action agency conducting activities that may “take” bald eagles follow the *National Bald Eagle Management Guidelines* to avoid violating the Eagle Act until they can obtain a permit authorizing the take under the BGEPA.
- MDT will consider means to avoid and minimize impacts such as adjusting horizontal and vertical alignments and steepening side slopes with appropriate consideration of driver safety, over sizing culverts, lengthening bridges, encouraging use of wildlife friendly right-of-way fencing, and vegetative reclamation techniques.

Floodplains Impacts

Impact:

There may be floodplain impacts within the Town of Culbertson, dependent on the final design.

Although not delineated, longitudinal impacts to floodplains are anticipated at four locations throughout the corridor. The potential flood impacts at crossings within this area will be unchanged or improved with the proposed project.

Mitigation:

A floodplain development permit may be required within the Town of Culbertson. In order to satisfy delineated floodplain requirements, it will be

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necessary to perpetuate the existing roadway elevation and grades in the first block of this proposed project in Culbertson.

As part of the design effort, a location study will be prepared and will include evaluation and discussion of the practicability of alternatives to any longitudinal encroachments on floodplains. For this proposed project, the location study will likely include discussion of the following items:

- The risks associated with implementation of the action,
- The impacts on natural and beneficial flood-plain values,
- The support of probable incompatible flood-plain development,
- The measures to minimize flood-plain impacts associated with the action, and
- The measures to restore and preserve the natural and beneficial flood-plain values impacted by the action.

Threatened/Endangered (T/E) Species Impacts

Impact:

There will be No Effect on the Pallid Sturgeon, Piping Plover, Least Tern, or Whooping Crane due to this project.

Mitigation:

No mitigation required.

Cultural/Archaeological/Historic Resources Impacts

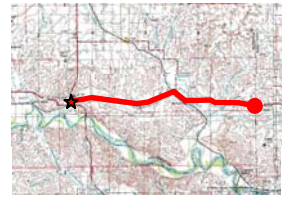
Impact:

The Preferred Alternative will continue to cross the historic rail line and impact small portions of the historic roadway segments that lie adjacent to the existing alignment. Right-of-way would also be required from the front yard of the Peterson House. There will be No Effect to the Great Northern Railroad (24RV0132), Great Northern Railroad Wye (24RV0657), and the Historic Road Segment (24RV0669), and No Adverse Effect to the Theodore Roosevelt International Hwy (24RV0665), and the Petersen House (24RV0789).

Mitigation:

Preliminary designs have been modified to avoid/minimize impacts to historical resources. MDT will install an interpretive marker about the Theodore Roosevelt Highway at the Culbertson rest area.

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Hazardous Waste Sites Impacts

Impact:

No direct impacts to hazardous waste sites are anticipated.

Mitigation:

In accordance with MDT Standard Specifications, if contaminated soils or hazardous materials are encountered, excavation and disposal will be handled in compliance with applicable federal, state, and local regulations.

Construction Impacts

Impact:

Construction activities for the Preferred Alternative would cause temporary inconveniences to the traveling public. Various utilities would be affected by project construction.

Construction activity impacts could occasionally result in increased travel times; detours; temporary road closures and access modifications; increased potential for erosion, sedimentation and weed infestation in disturbed areas; temporary impacts to habitat from noise and dust due to the use of heavy machinery. Disturbed areas created during construction could create land and water erosion potential that could impact water quality and/or create temporary habitat and vegetation loss. Additional short-term construction impacts could include temporary displacement of wildlife, migratory birds, and aquatic species from human-related disturbance.

Mitigation:

Potential construction-related impacts of the Preferred Alternative would be avoided and minimized where possible through various measures. Access to businesses and residences would be maintained during construction through a traffic control plan. As practicable, the existing highway would remain in use for continued access during the construction process. At this time, it is anticipated that existing bridges will be used while new structures are being constructed. Advance warning and detour signing would be in accordance with the *Manual on Uniform Traffic Devices*, thereby minimizing construction impacts.

MDT Standard Specifications require that contractors comply with applicable state and federal air quality rules, which may require use of dust suppression and emission control measures to minimize short-term impacts related to construction dust.

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MDT Standards Specifications require that contractors comply with applicable laws and regulations to minimize construction noise pollution.

Efforts will be made to avoid and/or minimize utility impacts. Where utility conflicts cannot be avoided, the utility will be relocated. MDT Standard Specifications require coordination with utility owners to minimize interruption to utility service.

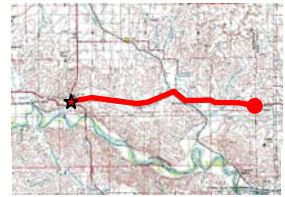
A Storm Water Pollution Prevention Plan (SWPPP) will be prepared and maintained in compliance with CWA Section 402 / MPDES regulations.

The contractor will be required to adhere to MDT BMPs for erosion and sediment control (and all other applicable permits).

Contractors will be required to comply with applicable permits and notifications including a CWA Section 404 Permit, SPA 124 Notification, and the Montana Water Quality Act.

To reduce the spread and establishment of noxious weeds and re-establish permanent vegetation, disturbed areas within MDT right-of-way or easements will be seeded with desirable plant species, as recommended by the MDT Botanist. Revegetation will be conducted in accordance with MDT Standard Specifications.

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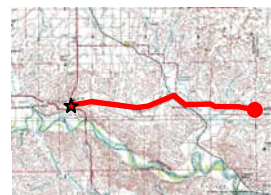


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4.0 LIST OF PREPARERS AND REVIEWERS

Reviewer/Affiliation	Role	Education and Experience
Theodore G. Burch Program Development Engineer FHWA	Lead Agency	B.S. Civil Engineering, Masters of Engineering – Structures, Program Development Engineer and Team Leader for the statewide program areas of planning, environment, safety and design, right-of-way, and materials. 20 years of experience in highway engineering, environmental review, and program/project management.
Carl James, P.E., P.L.S. (CO) Transportation Specialist FHWA	Lead Agency	30+ years of experience in planning, design, construction, environment, and right-of-way.
Gene R. Kaufman, P.E. Operations Engineer FHWA	Lead Agency	B.S. Construction Engineering Technology – Over 12 years of professional experience in highway engineering, construction and program/project management.
Kraig C. McLeod, P.E. Consultant Project Engineer MDT	Lead Agency	B.S. Civil Engineering – Over 10 years experience in planning, design, and management of civil engineering projects.
Tom S. Martin, P.E. Bureau Chief, Environmental Services MDT	Lead Agency	B.S. Civil Engineering - Over 14 years experience in design and management of transportation facilities.
Heidy Bruner, P.E. Engineering Section Supervisor MDT	Lead Agency	B.S. Environmental Engineering, approximately 10 years environmental engineering design and management.
Dick W. Turner	Lead Agency	A.A.S. Forest Technology - Over 21 years experience in multimodal transportation planning, policy, and financing.
Jean A. Riley, P.E.	Lead Agency	B.S. Civil Engineering – Over 27 years experience in civil engineering and environmental design, management, enforcement, and policy making.
Larry Sickerson Glendive District Biologist MDT	Lead Agency	B.S. Wildlife & Fisheries Management, South Dakota State University. 1991. District Biologist, Montana Department of Transportation since August 1996.
Jon Axline Historian MDT	Lead Agency	M.A. American History. Jon has over 20 years experience in cultural resources management and has been employed by the MDT since 1990.

Environmental Assessment



Reviewer/Affiliation	Role	Education and Experience
Steve Platt Archaeologist MDT	Lead Agency	M.A. Anthropology - Montana Department of Transportation Staff Archaeologist since 1993. Twenty years experience in archaeology and cultural resource management.
Cora G. Helm, PG MDT	Lead Agency	B.S., M.S. Geology. Since 1994, Cora has been completing Traffic Noise Analysis, Air Quality Transportation Conformity and Hazardous Waste Investigations for the Montana Department of Transportation.

Preparer/Affiliation	Role	Education and Experience
Darryl L. James, AICP HKM Engineering Inc.	Project Management, Environmental Compliance	M.P.A., with an Environmental Concentration; B.A., Public Affairs and Political Science. Senior consultant with over 15 years of professional experience in transportation planning, NEPA analysis, and technical report writing.
Jennifer James HKM Engineering Inc.	Document Preparation and Public Involvement	B.S., Civil Engineering. Over seven years experience in environmental and technical documentation, public involvement, and traffic engineering. Specialized expertise in consent building for public projects.
Sarah Nicolai HKM Engineering Inc.	Document Preparation	B.A., Civil Engineering (ongoing). Over three years of legal and policy-related experience, planning, and environmental documentation.
Jamie Jespersen HKM Engineering Inc.	Document Preparation	B.A., Civil Engineering (ongoing).

5.0 COMMENTS AND COORDINATION

The procedure for conducting an EA emphasizes cooperative consultation among agencies and the early and continued involvement of people who may be either interested in or affected by the project. This chapter documents the specific elements for the public and agency involvement program.

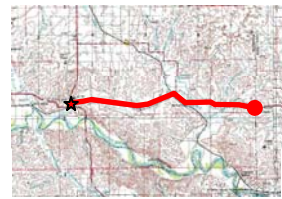
The first section of this chapter discusses public and agency coordination conducted during the development of the TRED Study, while the later portions are dedicated to coordination conducted during the preparation of this Environmental Assessment.

5.1 Early Scoping through the TRED Study

The TRED Study involved interested parties and incorporated their advice into the design and report of the study. The following summarizes the public involvement efforts conducted during the TRED Study:

- **Site visits:** The study team maintained a consistent presence in the study region. Presence by the study team in the affected territory included visits by [MDT Director Jim Lynch] (January 28, 2006), scoping tours (March 21-22, 2006), workshops (July 11, 2006 and November 8, 2006), and expert meetings (July 12, August 15, and November 8, 2006).
- **E-Access:** The project web site was maintained as a one-stop information source including draft documents, public presentations, newsletters, contact information, link to MDT comment system.
- **Expert advice:** An expert panel was formed to help refine and review the study. Both the national and local experts commented on the opportunity matrix, and helped refine the probabilities and traffic impacts of prospective developments. In addition, the panelists were thoroughly briefed on the study's overall process and findings and were asked to comment on it. The panel was convened July 11, August 15, and November 8, and comments were accepted from individual panelists throughout the project.
- **Local facilitation:** The Great Northern Development Corp. facilitated the study team's involvement efforts with the local populations by helping identify and make contact with community, business, and public leaders, and in assisting with on-site meetings.
- **Ground-level technical input:** 120 interviews conducted, May – July, 2006, with business leaders, academic experts, governmental agency leaders, and knowledgeable public stakeholders. Most of these interviews were with people in the immediate study area, but many were conducted at the larger regional scale.

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- **Peer agency technical input:** Briefings with transportation agencies were held for states and provinces touching the Theodore Roosevelt Expressway. Primary contacts were established with each of the state and provincial peer agencies, and these contacts were periodically advised of the status of the project and asked to comment on it. Interviews were conducted with peer agencies in neighboring states and provinces concerning their future plans for highway projects connecting directly or indirectly with the Theodore Roosevelt Expressway within Montana.
- **Executive briefings:** Formal briefings for key agencies and interested-parties were held (March 23, and September 13, 2006).
- **Resource agency involvement:** A workshop was held for resource agencies so they could understand and comment on the study and its potential relationship to federal environmental assessment processes. Comments were requested of the resource agencies on the environmental scan and draft study report.
- **Consultation with peer agencies from other states / provinces:** A briefing of peer agencies in other states was held on February 16, 2006. The study team conducted a site visit to Saskatchewan to learn more about that Province's dispositions regarding comparable improvements, and to gather private and institutional views as they informed this study. Also, a survey of state and provincial agencies along the Theodore Roosevelt Expressway was conducted to assess their situation with regard to potential improvements.
- **Public workshops:** Public workshops were held to brief local citizens on the project and to ask for citizen input. Those workshops were publicized through local advertising, press releases, and newsletters.
- **Press releases:** News announcements were distributed to regional and state press contacts on July 7, October 5, and November 22, 2006.
- **Newsletters:** Newsletters were sent to citizens interested in the process on June 30, and October 27, 2006.
- **Draft and comment:** The draft was distributed to resource agencies with a request for comment. The comment period lasted over 30 days. The complete draft was made available by web, CD, print, and local and state depository libraries.

Agency Coordination through the TRED Study

Prior to the NEPA process, several agencies were involved in the development and review of the TRED Study. Letters from these agencies are included in Appendix C.

Public Input on TRED Study

General public outreach tools and public input opportunities were summarized in Section 5.1, above. Of the comments received during that phase of the study, the TRED report indicates that public support for the four-lane option outweighed opposition to the project by a margin of nearly 10 to 1 (58 in favor, and six in opposition). The TRED study contains a full summary of public comments received, and is available upon request from MDT. The TRED Study can also be accessed online at: <http://www.mdt.mt.gov/pubinvolve/us2tred/>

5.2 NEPA/MEPA Coordination

Agency Involvement

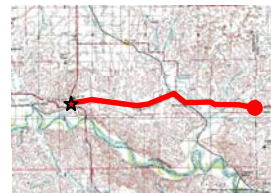
State and Federal regulatory agencies were asked to participate in the EA process in order to foster communication, identify and resolve issues, and provide timely and constructive comments on draft work products. Letters were sent to 10 regional, state, and federal resource agencies as a notification that the U.S. Department of Transportation's Federal Highway Administration (FHWA), in cooperation with MDT's Highways Division, proposes to reconstruct US 2 from Culbertson to the North Dakota state line as a four-lane facility. The letters explained the purpose of the proposed project along with a brief explanation of the TRED study. Through these letters, MDT requested each agency's participation in identifying any concerns that would need to be addressed through the environmental review process. Copies of interagency correspondence are included in Appendix C.

An independent meeting was also scheduled with the regulatory agencies with jurisdiction, interest, or expertise on issues within the study corridor. This meeting was held on December 17, 2007 and consisted of a presentation of the Purpose and Need for the proposed project, the alternatives considered in the EA, and the anticipated impacts from the proposed project. Representatives were present from DEQ, MFWP, COE, and USFWS. Written comments received are included in Appendix C

Public Meetings

May 9 and 10, 2007 – An initial public information meeting was conducted under the NEPA/MEPA process for this proposed project and held at the Culbertson High School on May 9 and at the Bainville High School on May 10, 2007. The meetings took place from 6:00 pm to 8:00 pm. Approximately 58 people attended the meeting in Culbertson and 25 people attended the meeting in Bainville. The meeting format included a formal presentation and a question/comment period. The same presentation was provided for both meetings. The purpose of the meetings was to introduce the project and gather public opinion regarding issues and

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concerns related to transportation in the US 2 corridor between Culbertson and the North Dakota state line. Aerial photographs illustrating the proposed centerline of roadway improvements were displayed around the room at both meetings. (See Appendix D for a summary).

All meeting locations were accessible under the Americans with Disabilities Act (ADA). At every meeting, contact information was obtained from all attendees by having a dedicated greeter who welcomed citizens to the event, ensured sign-in, distributed a project newsletter, and provided a brief project overview. Participants were encouraged to provide written comments via a comment sheet. All comments collected were logged in the comment database.

December 10 and 11, 2007 – A second public information meeting was conducted under the NEPA/MEPA process for this proposed project and held at the Bainville High School on December 10 and at the Culbertson High School on December 11, 2007. The meetings took place from 6:00 pm to 8:00 pm. Approximately 33 people attended the meeting in Bainville and 45 people attended the meeting in Culbertson. The meeting format included a formal presentation and a question/comment period. The same presentation was provided for both meetings. The purpose of the meetings was to present the public with the process and timeline of the NEPA / MEPA analysis and provide an overview of the preliminary findings of impacts, and receive feedback on these items. Aerial photographs illustrating the proposed centerline of roadway improvements along with approximate construction limits were displayed around the room at both meetings. Input was also requested regarding three alternative cross-sections through Culbertson. (See Appendix D for a summary).

All meeting locations were accessible under the Americans with Disabilities Act (ADA). At every meeting, contact information was obtained from all attendees by having a dedicated greeter who welcomed citizens to the event, ensured sign-in, and provided a brief project overview. Participants were encouraged to provide written comments via a comment sheet. All comments collected were logged in the comment database.

Formal Public Comment Period

Hard copies of this EA are available for public review at the following locations:

- Culbertson Public Library
- Culbertson Town Hall
- Bainville Public School Library
- MDT Glendive District Office
- MDT Helena Headquarters



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Comments on this EA may be submitted electronically on MDT's webpage at http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml or at the Public Hearing, by writing to MDT at:

Tom S. Martin, P.E.
Environmental Services Bureau Chief
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001
Email address: tomartin@mt.gov
Fax number: 406-444-7245

Written comments are due by the date indicated in the Distribution Letter attached to this EA. A Formal Public Hearing will also be conducted during the 30-day public review period. Meetings will be held in both Bainville and Culbertson on consecutive evenings. Participants will be provided with a project overview and invited to provide formal comments for the public record.

Other Public Involvement / Information Techniques

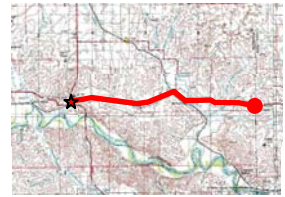
In an effort to inform as many citizens and interested groups as possible, a variety of public involvement techniques were employed during the NEPA/MEPA process. These included press releases, postcard notifications to an extensive mailing list, and posting the EA to the MDT website.

Media – News releases were sent out prior to each series of public meetings. The news releases were submitted to The Searchlight, a local paper with circulation in the corridor. News releases were also submitted to local papers near the area, including: Culbertson Searchlight, Sidney Herald, Wolf Point Herald, Glasgow Courier, Williston Herald, and the Sheridan County News. These press releases notified the public of the topics, and time and place for each meeting, as well as information on accommodations for any known disability.

Direct Mailing – Prior to public meetings, notices were also sent via postcards to all businesses and community residents on the self-designated distribution list. 225 postcards were sent out. These postcards notified the public of the topics, and time and place for each meeting, as well as information on accommodations for any known disability.

Internet Website – MDT maintains an online comment form where the public can leave comments on any project or concern related to the Department. This EA is also available electronically on the MDT webpage at: http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml Web site visitors have the option of submitting written comments on the website by clicking on “Comment on this EA” which will provide a direct e-mail link to the project team.

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6.0 DISTRIBUTION LIST

Federal Agencies

U.S. Environmental Protection Agency
Region VIII, Montana Office
Federal Building, 10 NW 15th Street, Suite 3200
Helena, MT 59626-0096
Attn: John F. Wardell, Director

U.S. Army Corps of Engineers
Regulatory Office, c/o DNRC
10 West 15th Street, Suite 2200
Helena, MT 59626
Attn: Allan Steinle, Montana Program
Manager

U.S. Department of the Interior
Fish & Wildlife Service
Montana Field Office
585 Shepherd Way
Helena, MT 59601
Attn: Mark Wilson, Field Supervisor
Scott Jackson, Wildlife Biologist

Tribal Governments

Fort Peck Assiniboine and Sioux Tribes
P.O. Box 1027
Poplar, MT 59255
Attn: A.T. (Rusty) Stafne, Chairman
Henry Headdress, IRR Transportation
Director

State Agencies

Montana Department of Environmental Quality
Lee Metcalf Building
1520 East 6th Avenue, P. O. Box 200901
Helena, MT 59620-0901
Attn: Administrator,
Permitting & Compliance Division
Tom Ellerhoff, Support Services,
Director's Office
Jeff Ryan
Environmental Science Specialist

Montana Department of Natural Resources and
Conservation
1625 11th Avenue
P.O. Box 201601
Helena, MT 59104-0437
Attn: Mary Sexton, Director

Department of Natural Resources and
Conservation
Lewistown Field Office
P.O. Box 1021
Lewistown, MT 59457
Attn: Clive Rooney, Area Manager

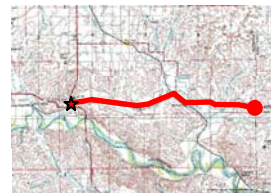
Montana Environmental Quality Council
Office of the Director
Capitol Post Office
P. O. Box 215
Helena, MT 59620

Montana Governor's Office
Executive Office
Room 204, State Capitol
Helena, MT 59620-0801
Attn: Brian Schweitzer, Governor

Montana State Historic Preservation Office
1410 8th Avenue
P.O. Box 201202
Helena, MT 59620-1202
Attn: Dr. Mark Baumler, Historian

Montana Fish, Wildlife & Parks
PO Box 200701
1420 East 6th Avenue
Helena, MT 59620-0701
Attn: Walter Timmerman, Recreation
Bureau Chief
Doug McDonald, Stream Protection
Coordinator

Environmental Assessment



Montana Fish, Wildlife & Parks
Region 6 Office
54078 US Highway 2 W
Glasgow, MT 59230
Attn: Bill Wiedenheft

Montana Transportation Commission
P.O. Box 201001
Helena, MT 59620-1001
Attn: Chairman

Montana State Library
1515 East 6th Avenue, P.O. Box 201800
Helena, MT 59620-1800
Attn: Roberta Gebhardt, Collections
Management Librarian

Local Agencies

City of Culbertson
208 Broadway Avenue
Culbertson, MT 59218-0351
Attn: Gordon Oelkers, Mayor

City of Bainville
9 Flynn Avenue
Bainville, MT 59212-0092
Attn: Dennis Portra, Mayor

Roosevelt County Courthouse
400 2nd Avenue South
Wolf Point, MT 59201-1600
Attn: Jim Shanks, Commissioner
Gary Macdonald, Commissioner
Vickie Delger, Commissioner

Appendix A

Farmland Rating: AD – 1006 Form

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date of Land Evaluation Request			
Name Of Project MT 1-10 (61) 645 Culbertson – East to North Dakota Control No. 6388		Federal Agency Involved Federal Highway Administration			
Proposed Land Use Highway Right-of-Way		County and State Roosevelt County, Montana			
PART II (To be completed by SCS)		Date Request Received By SCS			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply – do not complete additional parts of this form).		YES X	NO	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Jurisdiction Acres: %	Amount of Farmable Land As Defined in FPPA Acres: %			
System Used	Name Local Site Ass. System	Date Land Evaluation Returned By SCS			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		No Build	Preferred Alternative	Site C	Site D
A. Total Acres To Be Converted Directly		0			
B. Total Acres To Be Converted Indirectly		0			
C. Total Acres In Site		0			
PART IV (To be completed by SCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		0			
B. Total Acres Statewide And Local Important Farmland		0			
C. Percent Of Farmland In County Or Local Unit To Be Converted		0			
D. Percent Of Farmland In Jurisdiction: Same Or Higher Rel. Value		0			
PART V (To be completed by SCS) Land Evaluation Criterion Relative Value To Be Converted (Scale of 0 to 100 Points)			100		
PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))		Maximum Points	No Build	Preferred Alternative	
1. Area In Non-urban Use	15	0	15		
2. Perimeter In Non-urban Use	10	0	10		
3. Percent Of Site Being Farmed	20	0	20		
4. Protection Provided By State/Local Government	20	0	0		
5. Distance From Urban Built up Area	-na-	-na-	-na-		
6. Distance To Urban Support Services	-na-	-na-	-na-		
7. Size Of Present Farm Unit Compared To Average	10	0	0		
8. Creation Of Non-farmable Farmland	25	0	5		
9. Availability Of Farm Support Services	5	0	5		
10. On-Farm Investments	20	0	5		
11. Effects Of Conversion On Farm Support Services	25	0	0		
12. Compatibility With Existing Agricultural Use	10	0	0		
TOTAL SITE ASSESSMENT POINTS		160	0	60	
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100	0	100	
Total Site Assessment (From Part VI above or a local site assessment)		160	0	60	
TOTAL POINTS (Total of above 2 lines)		260	0	160	
Site Selected Preferred Alternative	Date Of Selection 11-21-07	Was a Local Site Assessment Used?			
		YES		NO	X

Reason For Selection:

Pursuant to 7CFR 658.4(c), sites receiving a Total Score of less than 160 will be given a minimum level of consideration for protection, and no further sites need be evaluated.

Appendix B

SHPO Concurrence on Cultural Resources

2008020401

RECEIVED



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

FEB 12 2008

Brian Schweitzer, Governor

ENVIRONMENTAL

January 30, 2008

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

CONCUR
MONTANA SHPO

DATE 11 Feb 2008 SIGNED

Subject: MT 1-10(61)645
Culbertson - East to North Dakota
UPN 6388

Jose f
MDT
Culbertson -
E to N Dak
Roosevelt Co

Enclosed is the Determination of Effect for the above project in Roosevelt County. We have determined that the proposed project would have **No Adverse Effect** to the Peterson House (24RV789) for the reasons specified in the document.

There are several abandoned road segments are also located within the Area of Potential Effect for this project. They are two abandoned access roads (24RV661 and 24RV662), six bypassed segments of the Theodore Roosevelt International Highway/US Highway 2 (24RV665), and an Access Road (24RV669). Ordinarily the road segments would be dealt with under the terms of the Historic Roads and Bridges Programmatic Agreement. We have, however, decided to deal with these road segments outside the confines of the PA because of the requirements of Section 4(f) and the high priority of this project. Therefore, we have determined that the site 24RV665 and 24RV669 are eligible for the National Register under Criterion A for their association with the history and development of Roosevelt County and northeastern Montana. We have also determined that 24RV661 and 24RV662 are ineligible for the NRHP because of the lack of sufficient historical information to place them within the historic context of the area and because they do not retain sufficient integrity to qualify for the National Register. We realize that similar cases may require us to make determinations of National Register eligibility contrary to the PA, consequently we will begin the process to amend the PA so that 36CFR 800.4 is followed in regards to historic road segments. Based on the preliminary plans for the project, we have determined there would be **No Adverse Effect** to 24RV665 and **No Effect** to 24RV669. We request your concurrence. Because of the high profile of this project, we respectfully request that you expedite your review of the Determination of Effect.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

Enclosure

cc: Ray Mengel, P.E., Glendive District Administrator
Tom Conway, P.E., Consultant Design
Heidy Bruner, Engineering Section
Bonnie Steg, Resources Section
Carl James, P.E., FHWA

Environmental Services Bureau
Phone: (406) 444-7228
Fax: (406) 444-7245

An Equal Opportunity Employer

Engineering Division
TTY: (800) 335-7592
Web Page: www.mdt.mt.gov



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

2007071303
Jim Lynch, Director
Brian Schweitzer, Governor

July 12, 2007

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

CONCUR
MONTANA SHPO

DATE 27 Jun 07 SIGNED

Subject: NH 1-10(61)645
Culbertson - East
Control No. 5996 6388

SHPO
MDT
CULBERTSON - EAST
ELIGIBILITY

Dear Mark:

Enclosed is the cultural resource report, CRABS, and site forms for the above project in Roosevelt County. Frontier Historical Consultants recorded fifteen historic properties within the Area of Potential Effect for this project. Six of those properties had been previously recorded: the Great Northern Railway (24RV132/133), Oelker's Carter Servicecenter (24RV185), the Elkhorn Motel (24RV186), Peterson Garage (24RV191), Railroad Wye (24RV657), and Old US Highway 2 (24RV665). The Great Northern Railway, Oelker's Carter Servicecenter, and Railroad Wye have been previously determined eligible. Based on our review of the report, we feel those original Determinations of Eligibility are still valid. Old US Highway 2 is covered under a programmatic agreement and no Determination of Eligibility is necessary.

Frontier Historic recorded nine new historic properties within the APE. Of those, it recommended none as eligible for the National Register. We believe, however, that the Peterson House (24RV789) is eligible for the National Register under Criterion C. No DOE was made for the Clover Creek Bridge (24RV795). Because the original guardrails have been removed and replaced with intrusive steel W-beam guardrails, we do not believe the timber bridge is eligible for the NRHP. We request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

Enclosures

cc: Ray Mengel, P.E., Glendive District Administrator
Paul Ferry, P.E., Highways Engineer
Tom Martin, P.E., Consultant Design
Bonnie Steg, Resources Section

Appendix C

Interagency Correspondence

**Montana Department of Transportation***Jim Lynch, Director*
Brian Schweitzer, Governor

Glendive District Office
503 N River Avenue
PO Box 890
Glendive, MT 59330-0890

February 15, 2008

Town of Culbertson
P.O. Box 351
Culbertson, MT 59218

Subject: Culbertson – North Dakota Border
Culbertson Typical Section

Montana Department of Transportation (MDT) is in receipt of your February 12, 2008 letter. Listed below are responses to issues detailed in your letter.

Typical Section

We thank the Town for taking formal action and passing a motion supporting typical section option #1. This roadway section will provide two 12-foot outside travel lanes, two 11-foot inside travel lanes, 5-foot shoulders, 5-foot sidewalks directly behind the new curb & gutter, with no-on street parking. This roadway section will commence at the intersection of US 2 and MT 16 and continue easterly through incorporated limits of Culbertson. We will include this typical section in the environmental document.

Sidewalks

On the north side of US 2, sidewalk will be installed beginning at the intersection of US 2 & MT 16 and continue easterly to the west side of the entrance approach into the Culbertson Museum property. Your letter requested that this sidewalk continue to the east property line of the museum. There would be no need to install sidewalk from the east side of the entrance approach to the east property line, as there wouldn't be foot traffic in this area.

On the south side of US 2, sidewalk will be installed beginning at the intersection of US 2 & MT 16 and continue easterly to the west side of the MCS facility. The sidewalk would transition into the existing paved MCS facility. Foot traffic isn't anticipated to continue past the MCS facility, so there would not be a need to continue the sidewalk to the east property line.

We will gladly incorporate these features in the environmental document.

Storm Drain System

MDT is committed to installing a new storm drain system on US 2 to address drainage from the curb & gutter section. The actual ending location going east hasn't been determined at this time, but it is anticipated it will end near the west property line of the MCS facility and then drain southerly into the property on the south side of the MCS facility.

Modifying 4-lanes to 2-lanes

The Town requested modification of the lane configuration, from the proposed 4-lanes to a 2-lane concept, beginning at the intersection of US 2 & MT 16 and continue easterly for 3 blocks.

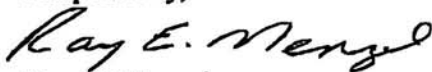
Please be advised that MDT will not be able to consider this request and include it in the environmental document because it conflicts with the purpose and need for the project. The section of roadway that the Town requested to be modified is within the Theodore Roosevelt Expressway and was included in a Transportation Regional Economic Development (TRED) study. Based on results of the TRED Study, including technical analysis, public input, and an analysis of alternatives, MDT has identified a four-lane highway from the intersection of MT 16 (north) in Culbertson to the North Dakota state line as the Proposed Action in this corridor. The purpose of the proposed project is to ensure transportation system continuity and roadway configuration consistency with existing segments of the Theodore Roosevelt Expressway. MDT has determined that the major intersection with MT 16 on the west and the state line on the east represent logical termini for this proposed project and that this investment of federal money has independent utility even if no other improvements are made to US 2 or MT 16.

The projects described in the environmental assessment will include a 4-lane facility beginning at the intersection of US 2 & MT 16, with the westbound traffic having a right turn only in the outside 12-foot lane. The inside 11-foot lane will be the continue through lane for traffic heading west.

In addition, the turning radius in the northeast quadrant of this intersection will be revised to address truck turning movements for northbound traffic onto MT 16. This action will address the Town's concern in regards to safety at this intersection.

I trust that this response address's the Town's concerns and if you have any questions in regard to this matter, feel free to call me at 345-8212.

Respectfully,



Ray E. Mengel
District Administrator

copies: Loran Frazier, P.E. - MDT Chief Engineer
James Walther, P.E. - MDT Preconstruction Engineer
Paul Ferry, P.E. - Highways Engineer
Kraig McLeod, P.E. - Consultant Design Project Manager
Heidy Bruner, PE. - Environmental Engineering Section Supervisor
Kevin Gilbert, P.E. - Highways Project Manager
District File

FAX TRANSMITTAL COVER SHEET

Please Deliver To:

DATE: 2-14-08 TIME: 1:55pm
NAME: Ray Meryel
COMPANY: MT DOT
FAX NUMBER: 406-345-8250

SENT BY:

TOWN OF CULBERTSON

210 Broadway

E-MAIL: Culbertsonmt@hotmail.com

PO BOX 351

CULBERTSON, MT 59218-0351

PHONE: (406) 787-5271

FAX: (406) 787-5271

TOTAL PAGES INCLUDING COVER SHEET: 2

Message:

unofficial minutes

564

February 4, 2008 cont.

Airport CIP 2006-2011. Reimbursements are coming in from FAA. Town received a copy of the Airport Layout Plan narrative update for Big Sky Field.

Theodore Roosevelt Expressway. Council reviewed the information from the January 17, 2008 Public Meeting. Public consensus was option #1. W. Bruce Houle made a motion to make the following recommendations to the Montana Dept. of Transportation: 56 ft. road bed with 5 ft. shoulders, 5 ft. sidewalk immediately behind the curb and no on-street parking. Town council requests sidewalks along this Highway 2 project. The north sidewalk from intersection Hwy 2 and Hwy 16 to the Culbertson Museum east property line. The south sidewalk from intersection Hwy 2 and Hwy 16 to the Culbertson GVW east property line. Town council also requests a storm drain system be included in this project from the intersection Hwy 2 and Hwy 16 east to the GVW. Paul S. Finnicum seconded the motion. All present voted in favor of the motion. MOTION CARRIED.

Town can do a special request to Mr. Lynch, MT DOT for a school crosswalk.

Planning & Zoning. Marcy is scheduling a meeting with the County Commissioners and County Planner to discuss the jurisdictional area. Paul S. Finnicum will put a list together to justify town request.

KFBB - TV Great Falls. No news.

Growth Policy. Working on this.

Culbertson Industrial Park Sub-Division. Marcy is working on this and will be meeting with Gordon and Raedelle to complete the town portion.

Montana Water Court. The water court judge wants more information.

Dutch Elm Disease. Nothing new.

Airport Board. There will be an airport board meeting soon.

Dry Prairie Rural Water - 3rd Filter Train. Bob and Steve will address some issues in the "Culbertson Water Treatment Plant Capacity Evaluation" conducted by Dry Prairie's engineering firm DeWild Grant Reckert and Associates. We need to know Dry Prairie Rural Water's intent.

Fire District and Culture & Recreation District. No news yet.

Sick Leave Bank Policy. Working on it.

Zoning/Ordinance Permit. Council received a permit from Tom & Nancy Hansen. Raedelle needs to get more information.

GJV's. General journal vouchers #442 - #462 and Utility Billing Vouchers #483 - #486 were approved and signed.

Klip Interactive. Complaints that channels 16 and 9 are off. Ken Forbregd has been contacting Klip Interactive. Council will see if Ken gets any information.

Eastern Plains R C & D. W. Bruce Houle made a motion to appoint Dixie Berwick as Culbertson's Representative on R C & D Council and Raedelle Aspenlieder as Alternate Representative. Paul S. Finnicum seconded the motion. All present voted in favor of the motion. MOTION CARRIED.

TOWN OF CULBERTSON

Office of The Mayor

PO Box 351
406-787-5271

CULBERTSON, MONTANA 59218

culbertsonmt@hotmail.com
www.culbertsonmt.com

February 12, 2008

Mr. Ray Mengel, District Administrator
Montana Department of Transportation
P.O. Box 890
Glendive, MT 59330

Re: Culbertson - East To North Dakota Project
Culbertson Urban Typical Section #1
56.0 foot road bed with 5.0 foot shoulders and 5.0 foot sidewalk immediately behind
curb
no on-street parking

Dear Mr. Mengel:

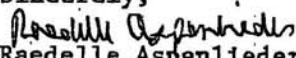
On January 17, 2008, you gave a presentation to the Town of Culbertson residents on the above Hwy 2 four lane project. During the meeting three (3) road bed options were presented. The consensus at this meeting was for Option #1.

The Culbertson Town Council met in regular session on Monday, February 4, 2008 and a motion was made and passed to approve Hwy 2 road bed Option #1 as listed above. A copy of Option #1 is enclosed. The Culbertson Town Council also discussed the exact length of sidewalks along this Hwy 2 project. The council requests a sidewalk along the north side of Hwy 2 that would extend easterly from the intersection of Hwy 2 and Hwy 16 to the easterly property line of the Culbertson Museum. The sidewalk on the south side would extend easterly from the intersection of Hwy 2 and Hwy 16 to the Culbertson GVW's most easterly property line. A storm drain system from the intersection of Hwy 2 and 16 east to the most easterly property line of the Culbertson GVW needs to be included in this project.

The Culbertson Town Council discussed and is now requesting Option #1 road bed with 4 lanes be modified by paint striping only, from four (4) lanes of traffic down to two (2) lanes of traffic, from the intersection of Hwy 2 and 16, easterly for 3 blocks only, and then proceed easterly with four (4) full lanes of traffic as now projected. See attached map which illustrates our paint stripe request for 2 lanes of traffic for three (3) blocks only. This will aid safety and the turning of semi-trucks with trailer units that will use the intersection Hwy 2 and 16.

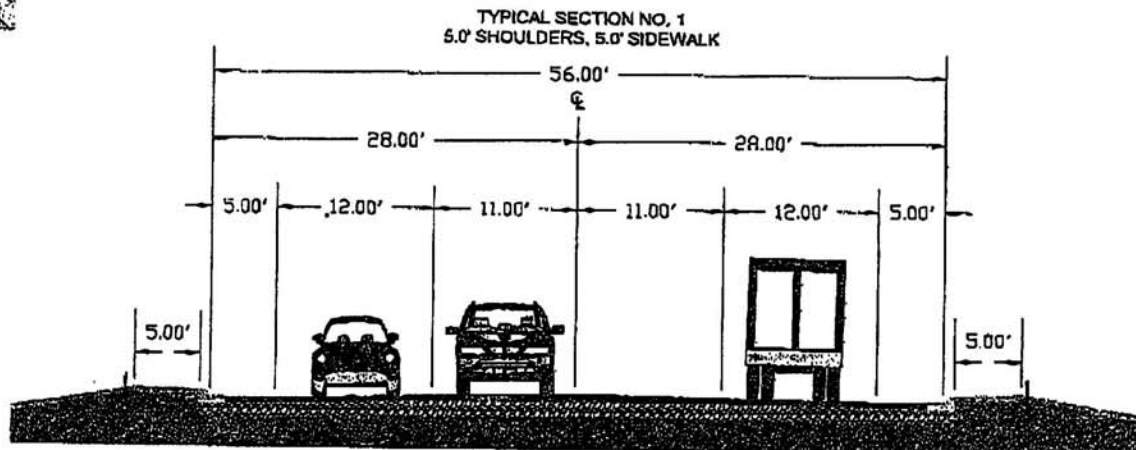
When the 2nd portion of the TRED study for Hwy 2 & 16 (north) to the Canadian line is fully designed, Hwy 2 & 16 intersection will only then fully and safely handle turning of semi-truck and trailers at this intersection.

Sincerely,


Raedelle Aspenlieder
Town Clerk/Treasurer

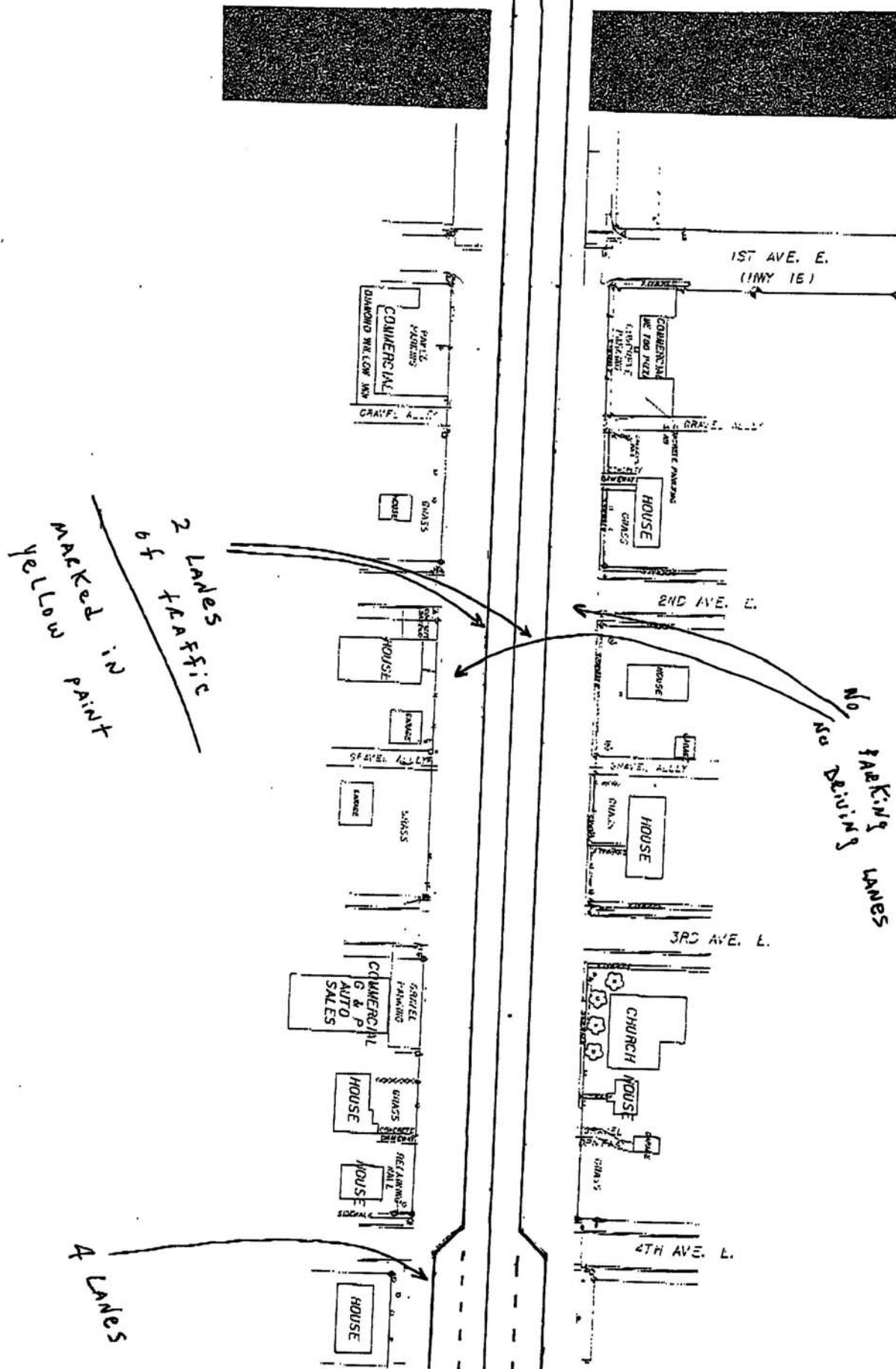


Culbertson Urban Typical Section?



- 5-foot shoulders, 5-foot sidewalk immediately behind the curb. No on-street parking!







Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

March 14, 2007

Mike Duman
Acting Administrator, Montana Division
Federal Highway Administration
585 Shepard Way
Helena, Montana 59601

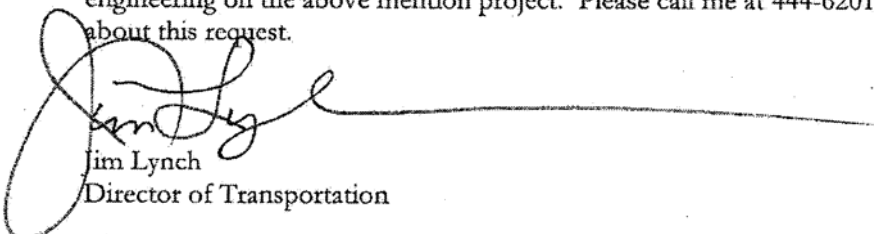
Subject: Culbertson-E to North Dakota Border

Dear Mike,

In January we sent your office a request to authorize funding for preliminary engineering on the subject project. FHWA found it could not approve this request until MDT provided a finding that funding preliminary engineering for the proposed project complies with State law.

Since January, my staff and I have thoroughly reviewed this issue and have concluded that the original request complies with State law in general and MCA 60-2-133 specifically. Based on a review of the Department's overall funding program, the proposed use of approximately \$125,000 in State matching funds for the preliminary engineering phase of this project will not jeopardize any future highway project. In addition, the federal-aid highway funds MDT proposes to program are earmarked Section 1934 (#239) funds that are specifically available for environmental review of a four-lane design on US 2. Use of these earmarked funds will not jeopardize any future highway project.

Based on these findings, I am making the request to authorize funding for preliminary engineering on the above mention project. Please call me at 444-6201 if you have questions about this request.



Jim Lynch
Director of Transportation

copies: Jim Currie, Deputy Director
Tim Reardon, Chief Legal Counsel
Loran Frazier, Chief Engineer
Sandra Straehl, Planning Division Administrator

RECEIVED

JAN 25 2008

ENVIRONMENTAL



**Montana Fish,
Wildlife & Parks**

January 23, 2008

1420 E. Sixth Avenue
P.O. Box 200701
Helena, Montana 59620-0701

**MASTER FILE
COPY**

Tom Martin, P.E., Chief
Environmental Services Bureau
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 200701
Helena, Montana 59620-1001

Agency Review Draft EA
Culbertson – East to North Dakota
MT 1-10(61) 645
UPN 6388

Dear Tom:

I have reviewed the supplemental information provided in your letter of January 18, 2008 and have the following comments. You may receive additional comments from other Fish Wildlife & Parks officials. These comments can be applied to both the Culbertson – East and Bainville East & West or other proposed projects with potential adverse impacts to streams and their associated aquatic resources in Montana.

- a. Installation of culverts on perennial, intermittent or ephemeral drainages may result in adverse impacts. Documentation should, as a minimum, identify the individual and cumulative lengths of proposed culverts. In addition, if there will be a change in overall stream pattern, dimension or profile due to culvert installation, these changes should be documented on a site by site basis.
- b. Impacts may be temporary or permanent, direct or indirect and should be described
- c. Adverse impacts such as loss of aquatic habitats (wetlands) and drainage/stream lengths that cannot be avoided or minimized may still require compensatory mitigation. MDT should identify and describe potential compensatory measures.
- d. To address cumulative impacts to wetlands and drainages, adverse impacts from past and future foreseeable road developments along this corridor should be identified. Impacts to fish and other organisms that require or depend upon aquatic resources should be described.
- e. Culverts should be designed and installed with the intent to eliminate or minimize aggradation or degradation of the existing channel thalweg, change substrate size and composition or create backwater. In general and in order of preference, bridges, open bottom culverts, and embedded box or circular culverts are preferred over culverts with inverts at channel bed levels.
- f. Substrate in embedded culverts should match substrate from a reference reach site outside the area of influence of an existing crossing.

- g. In general, a stream simulation methodology should initially be applied when determining culvert type and size. Bankfull discharge and physical channel dimensions from a reference reach should be provided for each crossing.

Thank you for the opportunity to review and comment on this supplemental information and proposed project EA. If you have any questions on these comments, please contact me at 444-3175.

Sincerely,



Doug McDonald
Stream Protection Coordinator
Habitat Protection Bureau/Fisheries

Copy: FWP Region 6 – Bill Wiedenheft
DEQ – Jeff Ryan



Montana Department of
ENVIRONMENTAL QUALITY

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

NH 1-10 (61) 645
EN 6388
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JUL 30 2007

ENVIRONMENTAL

Brian Schweitzer, Governor

July 26, 2007

**MASTER FILE
COPY**

Heidy Bruner, P.E.
Project Development Engineer
Environmental Services Bureau
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

Dear Ms. Bruner:

The Department of Environmental Quality (DEQ) reviewed the Montana Department of Transportation's (MDT) proposed reconstruction of U.S. Highway 2 from Culbertson, MT, east to the Montana/North Dakota Border from a two-lane to four-lane highway.

The DEQ had the following comments:

The current approved 303(d) List that should be referenced is the 2006 list. Ms. Bruner also requests information on water quality limited water bodies in the "vicinity" of the project. Impaired waterbodies listed in the 2006 303(d) List in Hydrologic Unit Codes 10060005 and 10060006, as identified by Ms Bruner, include: the Missouri River from the Poplar River to North Dakota, Charlie Creek from the confluence of the East and middle Creeks to the mouth, Hard Scrabble Creek, Big Muddy Creek from the Fort Peck Reservation to the mouth, Big Muddy Creek from the border of Canada to the Fort Peck Reservation, and Medicine Lake.

If you have any questions please contact Taylor Greenup, Lower Missouri River basin Water Quality Specialist (444-3527), or Robert Ray, Watershed Protection Section Supervisor (444-5319).

Sincerely,

Tom Ellerhoff
Science Program Manager

c: M.T. Greenup, DEQ
R. Ray, DEQ

-----Original Message-----

From: Ryan, Jeff

Sent: Sunday, December 30, 2007 4:50 PM

To: Martin, Tom; Bruner, Heidy

Cc: Ellerhoff, Thomas; Lovelace, Bonnie; Reid, Tom; Smith, Kari; Oppen,
Richard; Lynch, Jim; Ryan, Jeff

Subject: MDT Culbertson - E. to North Dakota C#6388

Tom and Heidy, thanks for the invite to the December 17 meeting on the subject project. Tom Ellerhoff in our Directors office has been the point of contact on this project for previous comments (7/5/06 E-Mail - Tom Ellerhoff to Jean Riley) that noted that Doug McDonald, FWP and I had toured the study area last summer and shared similar concerns that avoidance of aquatic resources was an important issue to consider. Since your Director was at the meeting and the project is a high MDT priority, Tom E. suggested I copy more folks than usual on our project comments.

Basically, based on the recent meeting up-date, it still appears, from a water quality perspective, that as much avoidance of aquatic resources as possible, should still be a major project goal. However, based on meeting discussions, that is a design possibility and will be pursued to its fullest.

Please up-date us as your design options are considered. We will continue to participate on this project and work with you to arrive at a design that meets all of our objectives. Thank you for the opportunity to comment.



**Montana Fish,
Wildlife & Parks**

RECEIVED

JUL 16 2007

ENVIRONMENTAL

54078 U.S. Hwy 2 West
Glasgow, MT 59230

July 11, 2007

Heidy Bruner, PE
Montana Department of Transportation
2701 Prospect Ave
P.O. Box 201001
Helena, MT 59620-1001



Dear Heidy:

I'm responding to your letter dated July 9, 2007 regarding Informational Request for Environmental Assessment, MT 1-10(61)645, Culbertson-E to North Dakota, 6388000.

The fish species of concern and their proximity to the proposed highway project are located at a greater distance than 1 mile from the TRED Study area. While the endangered pallid sturgeon and other fish species of special concern, like paddlefish, sturgeon chub, sickle fin chub are in the Missouri adjacent to the proposed road project, the closest distance to the existing Highway 2 is at least two miles. It is unlikely that construction activity would negatively impact these and other fish species residing in the Missouri, unless polluted or contaminated water adjacent to or from the project were to enter a creek passing through or near the road construction area and run downstream to the Missouri.

If Best Management Practices and recommendations, as outlined in Doug McDonald's letter, Montana Fish, Wildlife and Parks dated June 22, 2006, are closely followed, negative impacts to Missouri River fish can be avoided. Likewise negative impacts to amphibians and fish in streams located within the zone of construction can also be avoided or at least reduced.

Please contact me at the address above if you have any further questions or comments regarding this highway project.

Sincerely,

Bill Wiedenheft
Regional Fisheries Program Manager

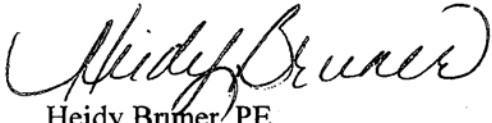
Copy: FWP- Doug McDonald
DEQ- Jeff Ryan
COE- Allan Steinle

existing two-lane roadway from Culbertson to the west end of the Bainville E & W project to a divided four-lane roadway and would provide an additional two-lane roadway through the remainder of the Bainville E & W project.

Through this letter, MDT is requesting your participation in identifying any concerns that should be addressed through the environmental review process. Although the project is located off of Tribal Lands, you may be aware of cultural or historic resources that could be located within the project corridor. Please forward comments to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that the Fort Peck Tribes have no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidy Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc:	Ray Mengel	Glendive District Administrator
	Dan Smith, PE	Environmental Services Bureau Chief
	Tom Hansen, PE	Environmental Services Engineering Section Supervisor
	Kraig McLeod, PE	Consultant Design
	Kevin Gilbert, PE	Road Design Area Engineer
	Steve Platt	Environmental Services Archeologist
	Jon Axline	Environmental Services Historian
	Heidy Bruner, PE	Environmental Services
	File	Environmental Services
	Gene Kaufman, PE	FHWA
	Darryl James	HKM Engineering



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

July 9, 2007

Honorable Mayor Dennis Portra
Town of Bainville
P.O. Box 92
Bainville, MT 59212



**DOUBLE
SIDED**

**Subject: Information Request for Environmental Assessment
MT 1-10(61)645
Culbertson-E to North Dakota
6388000**

Dear Honorable Mayor Dennis Portra:

This letter a notification that the Federal Highway Administration (FHWA), in cooperation with MDT, proposes to reconstruct Highway 2 from Culbertson to the North Dakota line as a four-lane facility. The purpose of the proposed project is to provide system continuity with routes planned along the Great Plains International Trade Corridor from Mexico to Canada.

This proposed project has been chosen as one part of the Theodore Roosevelt Expressway, a northwestern transportation route which is part of the Great Plains International Trade Corridor. This proposed project would tie into four-lane roadways being developed in North Dakota. The Transportation Regional Economic Development (TRED) Study was completed based on identifying economic, regulatory, or operational changes that would result in traffic and safety conditions that would warrant building a four-lane on the Theodore Roosevelt Expressway. The TRED Study offers support for a four-lane design and can be reviewed at the following link:
<http://www.mdt.mt.gov/pubinvolve/us2tred/>.

The proposed project is located within the following legal descriptions:

Township	Range	Section(s)
28N	56E	25, 26, 27, 28, 29
28N	57E	25, 26, 27, 28, 29, 30, 33, 34, 35
28N	58E	20, 21, 25, 26, 27, 28, 29, 30
28N	59E	29, 30, 32, 33, 34, 35, 36

The proposed project is expected to be phased for construction. The first phase of construction is expected to include an additional two lanes and a median parallel to the Bainville E & W project (MDT Project Number NH 1-10(29)656; Control Number 2145), which involves reconstruction on US Highway 2 from the intersection with Secondary 327 to the North Dakota border. The Bainville E & W project is scheduled to be let to contract in 2009. It is assumed that by the time this proposed project goes to construction, the Bainville E & W project will have been constructed. The second phase of construction is expected to include reconstruction of the existing two-lane roadway from Culbertson to the west end of the Bainville E & W project to a

divided four-lane roadway and would provide an additional two-lane roadway through the remainder of the Bainville E & W project.

Through this letter, MDT is requesting your participation in identifying any concerns that should be addressed through the environmental review process. Please forward comments to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that the City has no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidi Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc:	Ray Mengel	Glendive District Administrator
	Dan Smith, PE	Environmental Services Bureau Chief
	Tom Hansen, PE	Environmental Services Engineering Section Supervisor
	Kraig McLeod, PE	Consultant Design
	Kevin Gilbert, PE	Road Design Area Engineer
	Heidi Bruner, PE	Environmental Services
	File	Environmental Services
	Gene Kaufman, PE	FHWA
	Darryl James	HKM Engineering



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

July 9, 2007

Honorable Mayor Gordon Oelkers
Town of Culbertson
208 Broadway
Culbertson, MT 59218

MASTER FILE
COPY

**Subject: Information Request for Environmental Assessment
MT 1-10(61)645
Culbertson-E to North Dakota
6388000**

DOUBLE
SIDED

Dear Honorable Mayor Gordon Oelkers:

This letter is a notification that the Federal Highway Administration (FHWA), in cooperation with MDT, proposes to reconstruct Highway 2 from Culbertson to the North Dakota line as a four-lane facility. The purpose of the proposed project is to provide system continuity with routes planned along the Great Plains International Trade Corridor from Mexico to Canada.

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existing two-lane roadway from Culbertson to the west end of the Bainville E & W project to a divided four-lane roadway and would provide an additional two-lane roadway through the remainder of the Bainville E & W project.

Through this letter, MDT is requesting your participation in identifying any concerns that should be addressed through the environmental review process. Please forward comments to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that the City has no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidy Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc:	Ray Mengel	Glendive District Administrator
	Dan Smith, PE	Environmental Services Bureau Chief
	Tom Hansen, PE	Environmental Services Engineering Section Supervisor
	Kraig McLeod, PE	Consultant Design
	Kevin Gilbert, PE	Road Design Area Engineer
	Heidy Bruner, PE	Environmental Services
	File	Environmental Services
	Gene Kaufman, PE	FHWA
	Darryl James	HKM Engineering



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

July 9, 2007

Clive Rooney, Area Manager
Department of Natural Resources and Conservation
Lewistown Field Office
P.O. Box 1021
Lewistown, MT 59457



**DOUBLE
SIDED**

**Subject: Information Request for Environmental Assessment
MT 1-10(61)645
Culbertson-E to North Dakota
6388000**

Dear Clive Rooney:

This letter is a notification that the Federal Highway Administration (FHWA), in cooperation with MDT, proposes to reconstruct Highway 2 from Culbertson to the North Dakota line as a four-lane facility. The purpose of the proposed project is to provide system continuity with routes planned along the Great Plains International Trade Corridor from Mexico to Canada. This letter is also a request for the Department of Natural Resources and Conservation to be a Cooperating Agency for the above referenced project in accordance with FHWA regulations (23 CFR 771.111 (d)).

This proposed project has been chosen as one part of the Theodore Roosevelt Expressway, a northwestern transportation route which is part of the Great Plains International Trade Corridor. This proposed project would tie into four-lane roadways being developed in North Dakota. The Transportation Regional Economic Development (TRED) Study was completed based on identifying economic, regulatory, or operational changes that would result in traffic and safety conditions that would warrant building a four-lane on the Theodore Roosevelt Expressway. The TRED Study offers support for a four-lane design and can be reviewed at the following link:
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According to the TRED Study, there are Montana State Trust Lands in proximity of the existing alignment, but there are no State tracts bordering the existing Highway 2 alignment. MDT will assume that the previously provided information is correct unless you notify us in writing by the date indicated at the end of this letter.

Through this letter, MDT is also requesting verification of this information from DNRC to be used in the preparation of the environmental documentation on the proposed project. The information provided should answer the following questions:

- Have any cultural resource surveys or historical, archaeological or paleontological resource discoveries been made on DNRC-owned land adjacent to or on the proposed projects?
- Are any known active mineral leases or mining activities, abandoned mines, or reclaimed mines in the vicinity of the projects?
- Are there any specific leases or land uses that may be adversely impacted or that should be considered?
- Does DNRC have any lands with merchantable timber that may be impacted by the proposed projects?
- Are there any lands that are part of publicly-owned significant, state or local parks, wildlife refuges or recreation areas that may have present or planned usage as defined by Section 4(f) of the 1966 Department of Transportation Act (49 USC 303)? Section 4(f) also includes sites eligible for inclusion in the National Register of Historic Places (under Section 106 of the National Historic Preservation Act (16 USC 470).
- Have any lands in the project vicinity been purchased for or are currently administered for recreational purposes under Section 6(f) of the National Land & Water Conservation Fund Act (16 USC 460)?
- Does DNRC have any ongoing or presently planned projects for the particular area that could affect or be affected by the proposed action? Is DNRC aware of any proposed or current projects by others (public or private agencies) that pose similar effects?

We ask you to please inform us if our information is incorrect and we request that you supply any additionally helpful information or comments. Please forward comments to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that your agency has no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidy Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc: Ray Mengel Glendive District Administrator
Dan Smith, PE Environmental Services Bureau Chief
Tom Hansen, PE Environmental Services Engineering Section Supervisor
Kraig McLeod, PE Consultant Design
Kevin Gilbert, PE Road Design Area Engineer
Heidy Bruner, PE Environmental Services
File Environmental Services
Gene Kaufman, PE FHWA
Darryl James HKM Engineering



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

July 9, 2007



Tom Ellerhoff, Administrative Officer
Department of Environmental Quality
1520 East Sixth Avenue, PO Box 200901
Helena, MT 59620-0901

**Subject: Information Request for Environmental Assessment
MT 1-10(61)645
Culbertson-E to North Dakota
6388000**

**DOUBLE
SIDED**

Dear Tom Ellerhoff:

This letter is a notification that the Federal Highway Administration (FHWA), in cooperation with MDT, proposes to reconstruct Highway 2 from Culbertson to the North Dakota line as a four-lane facility. The purpose of the proposed project is to provide system continuity with routes planned along the Great Plains International Trade Corridor from Mexico to Canada. This letter is also a request for the Department of Environmental Quality to be a Cooperating Agency for the above referenced project in accordance with the FHWA regulations (23 CFR 771.111 (d)).

This proposed project has been chosen as one part of the Theodore Roosevelt Expressway, a northwestern transportation route which is part of the Great Plains International Trade Corridor. This proposed project would tie into four-lane roadways being developed in North Dakota. The Transportation Regional Economic Development (TRED) Study was completed based on identifying economic, regulatory, or operational changes that would result in traffic and safety conditions that would warrant building a four-lane on the Theodore Roosevelt Expressway. The TRED Study offers support for a four-lane design and can be reviewed at the following link:
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The proposed project is located within the following legal descriptions:

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Bainville E & W project is scheduled to be let to contract in 2009. It is assumed that by the time this proposed project goes to construction, the Bainville E & W project will have been constructed. The second phase of construction is expected to include reconstruction of the existing two-lane roadway from Culbertson to the west end of the Bainville E & W project to a divided four-lane roadway and would provide an additional two-lane roadway through the remainder of the Bainville E & W project.

According to investigations conducted during the completion of our TRED Study, we have identified two watersheds in the study area that are currently included on the DEQ 2004 303(d) list. These include the Charlie-Little Muddy watershed (Hydrologic Unit Code: 10060005), and the Big Muddy watershed (Hydrologic Unit Code: 10060006). We request that you indicate if the DEQ has any information about water quality limited water bodies in the vicinity of the proposed project or information other than what is listed on the 2004 303(d) website that follows: <http://www.deq.state.mt.us/CWAIC/default.aspx>.

We ask you to please inform us if our information is incorrect and we welcome you to supply any additional helpful information or comments. Please forward comments to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that your agency has no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidy Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc:	Ray Mengel	Glendive District Administrator
	Dan Smith, PE	Environmental Services Bureau Chief
	Tom Hansen, PE	Environmental Services Engineering Section Supervisor
	Kraig McLeod, PE	Consultant Design
	Kevin Gilbert, PE	Road Design Area Engineer
	Heidy Bruner, PE	Environmental Services
	File	Environmental Services
	Gene Kaufman, PE	FHWA
	Darryl James	HKM Engineering

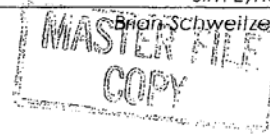


Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director

Brian Schweitzer, Governor



July 9, 2007

Jim Shanks, County Commissioner
Roosevelt County Courthouse
400 Second Avenue South
Wolf Point, MT 59201-1600

**Subject: Information Request for Environmental Assessment
MT 1-10(61)645
Culbertson-E to North Dakota
6388000**

**DOUBLE
SIDED**

Dear Jim Shanks:

This letter is a notification that the Federal Highway Administration (FHWA), in cooperation with MDT, proposes to reconstruct Highway 2 from Culbertson to the North Dakota line as a four-lane facility. The purpose of the proposed project is to provide system continuity with routes planned along the Great Plains International Trade Corridor from Mexico to Canada.

This proposed project has been chosen as one part of the Theodore Roosevelt Expressway, a northwestern transportation route which is part of the Great Plains International Trade Corridor. This proposed project would tie into four-lane roadways being developed in North Dakota. The Transportation Regional Economic Development (TRED) Study was completed based on identifying economic, regulatory, or operational changes that would result in traffic and safety conditions that would warrant building a four-lane on the Theodore Roosevelt Expressway. The TRED Study offers support for a four-lane design and can be reviewed at the following link:
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divided four-lane roadway and would provide an additional two-lane roadway through the remainder of the Bainville E & W project.

Through this letter, MDT is requesting the County's participation in identifying any concerns that should be addressed through the environmental review process. Please forward comments to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that the County has no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidy Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc:	Ray Mengel	Glendive District Administrator
	Dan Smith, PE	Environmental Services Bureau Chief
	Tom Hansen, PE	Environmental Services Engineering Section Supervisor
	Kraig McLeod, PE	Consultant Design
	Kevin Gilbert, PE	Road Design Area Engineer
	Heidy Bruner, PE	Environmental Services
	File	Environmental Services
	Gene Kaufman, PE	FHWA
	Darryl James	HKM Engineering



Montana Department of Transportation

2701 Prospect Avenue

PO Box 201001

Helena MT 59620-1001

Jim Lynch, Director

Brian Schweitzer, Governor

July 9, 2007

Walter Timmerman, Recreation Bureau Chief
Montana Fish, Wildlife and Parks
PO Box 200701
1420 East 6th Avenue
Helena, MT 59620-0701



**Subject: Information Request for Environmental Assessment
MT 1-10(61)645
Culbertson-E to North Dakota
6388000**

**DOUBLE
SIDED**

Dear Walter Timmerman:

This letter is a notification that the Federal Highway Administration (FHWA), in cooperation with MDT, proposes to reconstruct Highway 2 from Culbertson to the North Dakota line as a four-lane facility. The purpose of the proposed project is to provide system continuity with routes planned along the Great Plains International Trade Corridor from Mexico to Canada. This letter is also a request for the Montana Fish, Wildlife and Parks to be a Cooperating Agency on the above referenced project in accordance with FHWA regulations (23 CFR 771.111 (d)).

This proposed project has been chosen as one part of the Theodore Roosevelt Expressway, a northwestern transportation route which is part of the Great Plains International Trade Corridor. This proposed project would tie into four-lane roadways being developed in North Dakota. The Transportation Regional Economic Development (TRED) Study was completed based on identifying economic, regulatory, or operational changes that would result in traffic and safety conditions that would warrant building a four-lane on the Theodore Roosevelt Expressway. The TRED Study offers support for a four-lane design and can be reviewed at the following link:
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existing two-lane roadway from Culbertson to the west end of the Bainville E & W project to a divided four-lane roadway and would provide an additional two-lane roadway through the remainder of the Bainville E & W project.

The TRED Study indicates that there are no 6(f) resources located in this corridor segment. We ask you to please inform us if our information is incorrect and we welcome you to supply any additionally helpful information or comments. Please forward comments to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that your agency has no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidi Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc:	Ray Mengel	Glendive District Administrator
	Dan Smith, PE	Environmental Services Bureau Chief
	Tom Hansen, PE	Environmental Services Engineering Section Supervisor
	Kraig McLeod, PE	Consultant Design
	Kevin Gilbert, PE	Road Design Area Engineer
	Larry Sickerson	Environmental Services Biologist
	Heidi Bruner, PE	Environmental Services
	File	Environmental Services
	Gene Kaufman, PE	FHWA
	Darryl James	HKM Engineering



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

July 9, 2007



Scott Jackson, Wildlife Biologist
US Fish and Wildlife Service
Ecological Services
Montana Field Office
585 Shepherd Way
Helena, MT 59601

**DOUBLE
SIDED**

**Subject: Information Request for Environmental Assessment
MT 1-10(61)645
Culbertson-E to North Dakota
6388000**

Dear Scott Jackson:

This letter is a notification that the Federal Highway Administration (FHWA), in cooperation with MDT, proposes to reconstruct Highway 2 from Culbertson to the North Dakota line as a four-lane facility. The purpose of the proposed project is to provide system continuity with routes planned along the Great Plains International Trade Corridor from Mexico to Canada. This letter is also a request for the US Fish and Wildlife Service to be a Cooperating Agency on the above referenced project in accordance with FHWA regulations (23 CFR 771.111 (d)).

This proposed project has been chosen as one part of the Theodore Roosevelt Expressway, a northwestern transportation route which is part of the Great Plains International Trade Corridor. This proposed project would tie into four-lane roadways being developed in North Dakota. The Transportation Regional Economic Development (TRED) Study was completed based on identifying economic, regulatory, or operational changes that would result in traffic and safety conditions that would warrant building a four-lane on the Theodore Roosevelt Expressway. The TRED Study offers support for a four-lane design and can be reviewed at the following link:
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In our preliminary review conducted during the TRED Study, we identified a number of species of concern that may be located within two miles of the study area, including Pallid Sturgeon, Piping Plover, Interior Least Tern, Whooping Crane, and Bald Eagle, in addition to several mammal, amphibian, fish, and plant species of concern. Please indicate if any of our information is incorrect, or if US Fish and Wildlife Service has any additional information about threatened or endangered species in the vicinity of the proposed project.

We have received your previous comments with regard to the TRED Study (see attachment). Please forward additional comments specific to the proposed project to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that your agency has no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidi Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc:	Ray Mengel	Glendive District Administrator
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	Tom Hansen, PE	Environmental Services Engineering Section Supervisor
	Kraig McLeod, PE	Consultant Design
	Kevin Gilbert, PE	Road Design Area Engineer
	Larry Sickerson	Environmental Services Biologist
	Heidi Bruner, PE	Environmental Services
	File	Environmental Services
	Gene Kaufman, PE	FHWA
	Darryl James	HKM Engineering

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
585 SHEPARD WAY
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

RECEIVED

DEC 29 2006

TRANSPORTATION PLANNING

M.44 MDT (I)

December 27, 2006

**DOUBLE
SIDED**

Hal Fossum
Montana Department of Transportation
Multimodal Planning
2550 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

Dear Mr. Fossum:

You recently requested comments from the U.S. Fish and Wildlife Service (Service) regarding Montana Department of Transportation's (Department) U.S. Highway 2 / Montana Highway 16 Transportation Regional Economic Development (TRED) Study. The purpose of the TRED Study is to examine whether or not four-lane highway improvements on the portions of the Theodore Roosevelt Expressway in northeastern Montana can be justified by economic, safety, regulatory, or other considerations. You asked the Service to review an initial draft TRED Study report and comment on it relative to the resources for which we are responsible. While we have not seen a copy of the draft report, the Service participated in an environmental review and agency workshop last summer and is familiar with the study area. Based on a review of information we have related to the transportation corridor being considered, we offer the following comments. These comments include input from Service staff at Medicine Lake National Wildlife Refuge and our Ecological Services Montana Field Office.

Montana Highway 16 crosses through a portion of Medicine Lake National Wildlife Refuge (Refuge). Increasing traffic volume and its attendant impacts to wildlife, and the risk of vehicle accidents and pollutant spills on the Refuge that may affect water quality are some aspects of the existing roadway that are of concern to the Service. Future improvements to that roadway that would widen or realign it through the Refuge would also be likely to affect adjacent habitats. Pursuant to section 4(f) of the U.S. Department of Transportation Act of 1966, coordination with Refuge staff would be required relative to these concerns and others that may become apparent if a project is proposed for this stretch of highway.

At this time, the federally-listed threatened or endangered species that may occur in the vicinity of this project corridor are threatened piping plovers (*Charadrius melodus*), threatened bald eagles (*Haliaeetus leucocephalus*) and endangered whooping cranes (*Grus americana*). Critical habitat has been designated for piping plovers in some areas along the TRED study corridor, primarily shoreline habitats of Medicine Lake. Projects proposed by the Department in this area

that may affect these species or designated critical habitat would require consultation with the Service pursuant to section 7 of the Endangered Species Act of 1973.

If a proposed project in this corridor may impact streams or wetlands, permits may eventually be required pursuant to section 404 of the Clean Water Act. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the U.S. Army Corps of Engineers as may appear reasonable and prudent based on the information available at that time.

Although the Service has responsibility for a number of trust resources in the TRED study corridor, we believe that protection of those resources and future highway improvements can both be accomplished. We look forward to working with the Department if construction projects are proposed in this corridor.

Thank you for the opportunity to comment on this transportation corridor study. If you have questions, please contact Jerry Rodriguez, Project Leader, Medicine Lake National Wildlife Refuge at (406) 789-2305, or Scott Jackson, Fish and Wildlife Biologist, Montana Field Office at (406) 449-5225, extension 201.

Sincerely,



for R. Mark Wilson
Field Supervisor

Copy to: Jerry Rodriguez, Medicine Lake NWR

US Fish and Wildlife Service Comments

"Montana Highway 16 crosses through a portion of Medicine Lake National Wildlife Refuge. Increasing traffic volume and its attendant impacts to wildlife, and the risk of vehicle accidents and pollutant spills on the Refuge that may affect water quality are some aspects of the existing roadway that are of concern to the Service. Future improvements to that roadway that would widen or realign it through the Refuge would also be likely to affect adjacent habitats. Pursuant to section 4(f) of the U.S. Department of Transportation Act of 1966, coordination with Refuge staff would be required relative to these concerns and others that may become apparent if a project is proposed for this stretch of highway."

In Environmental Scan, section 4.1.3 (page 32), paragraph 1, added:

... habitat for a vast array of wildlife. Improvements to the roadway that would widen or realign it through the Medicine Lake NWR would likely affect adjacent habitats. Pursuant to section 4(f) of the U.S. Department of Transportation Act of 1966, the U.S. Fish and Wildlife Service notes that coordination with Refuge staff would be required relative to these concerns and others that may become apparent if a project is proposed for this stretch of highway.

"At this time, the federally-listed threatened or endangered species that may occur in the vicinity of this project corridor are threatened piping plovers (*Charadrius melodus*), threatened bald eagles (*Haliaeetus leucocephalus*) and endangered whooping cranes (*Grus americana*). Critical habitat has been designated for piping plovers in some areas along the TRED study corridor, primarily shoreline habitats of Medicine Lake. Projects proposed by the Department in this area that may affect these species of designated critical habitat would require consultation with the Service pursuant to section 7 of the Endangered Species Act of 1973."

These species and others are noted and discussed in the Environmental Scan section of the report (section 4.1.1.2, page 30). A specific discussion of the Medicine Lake National Wildlife Refuge is included, and that part, too, is consistent with the FWP comments (section 4.1.3, page 32)

"If a proposed project in this corridor may impact streams or wetlands, permits may eventually be required pursuant to section 404 of the Clean Water Act. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the U.S. Army Corps of Engineers as may appear reasonable and prudent based on the information available at that time."

Response to this point is embodied in COE comment and response, elsewhere.



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

July 9, 2007

**DOUBLE
SIDED**

Mark Wilson, Field Supervisor
US Fish and Wildlife Service
Ecological Services
Montana Field Office
585 Shepherd Way
Helena, MT 59601

**MASTER FILE
COPY**

**Subject: Information Request for Environmental Assessment
MT 1-10(61)645
Culbertson-E to North Dakota
6388000**

Dear Mark Wilson:

This letter is a notification that the Federal Highway Administration (FHWA), in cooperation with MDT, proposes to reconstruct Highway 2 from Culbertson to the North Dakota line as a four-lane facility. The purpose of the proposed project is to provide system continuity with routes planned along the Great Plains International Trade Corridor from Mexico to Canada. This letter is also a request for the US Fish and Wildlife Service to be a Cooperating Agency on the above referenced project in accordance with FHWA regulations (23 CFR 771.111 (d)).

This proposed project has been chosen as one part of the Theodore Roosevelt Expressway, a northwestern transportation route which is part of the Great Plains International Trade Corridor. This proposed project would tie into four-lane roadways being developed in North Dakota. The Transportation Regional Economic Development (TRED) Study was completed based on identifying economic, regulatory, or operational changes that would result in traffic and safety conditions that would warrant building a four-lane on the Theodore Roosevelt Expressway. The TRED Study offers support for a four-lane design and can be reviewed at the following link:
<http://www.mdt.mt.gov/pubinvolve/us2tred/>.

The proposed project is located within the following legal descriptions:

Township	Range	Section(s)
28N	56E	25, 26, 27, 28, 29
28N	57E	25, 26, 27, 28, 29, 30, 33, 34, 35
28N	58E	20, 21, 25, 26, 27, 28, 29, 30
28N	59E	29, 30, 32, 33, 34, 35, 36

The proposed project is expected to be phased for construction. The first phase of construction is expected to include an additional two lanes and a median parallel to the Bainville E & W project (MDT Project Number NH 1-10(29)656; Control Number 2145), which involves reconstruction on US Highway 2 from the intersection with Secondary 327 to the North Dakota border. The

Bainville E & W project is scheduled to be let to contract in 2009. It is assumed that by the time this proposed project goes to construction, the Bainville E & W project will have been constructed. The second phase of construction is expected to include reconstruction of the existing two-lane roadway from Culbertson to the west end of the Bainville E & W project to a divided four-lane roadway and would provide an additional two-lane roadway through the remainder of the Bainville E & W project.

In our preliminary review conducted during the TRED Study, we identified a number of species of concern that may be located within two miles of the study area, including Pallid Sturgeon, Piping Plover, Interior Least Tern, Whooping Crane, and Bald Eagle, in addition to several mammal, amphibian, fish, and plant species of concern. Please indicate if any of our information is incorrect, or if US Fish and Wildlife Service has any additional information about threatened or endangered species in the vicinity of the proposed project.

We have received your previous comments with regard to the TRED Study (see attachment). Please forward additional comments specific to the proposed project to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that your agency has no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidi Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc:	Ray Mengel	Glendive District Administrator
	Dan Smith, PE	Environmental Services Bureau Chief
	Tom Hansen, PE	Environmental Services Engineering Section Supervisor
	Kraig McLeod, PE	Consultant Design
	Kevin Gilbert, PE	Road Design Area Engineer
	Larry Sickerson	Environmental Services Biologist
	Heidi Bruner, PE	Environmental Services
	File	Environmental Services
	Gene Kaufman, PE	FHWA
	Darryl James	HKM Engineering

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
585 SHEPARD WAY
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

RECEIVED

DEC 29 2006

TRANSPORTATION PLANNING

M.44 MDT (I)

December 27, 2006

**DOUBLE
SIDED**

Hal Fossum
Montana Department of Transportation
Multimodal Planning
2550 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

Dear Mr. Fossum:

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Montana Highway 16 crosses through a portion of Medicine Lake National Wildlife Refuge (Refuge). Increasing traffic volume and its attendant impacts to wildlife, and the risk of vehicle accidents and pollutant spills on the Refuge that may affect water quality are some aspects of the existing roadway that are of concern to the Service. Future improvements to that roadway that would widen or realign it through the Refuge would also be likely to affect adjacent habitats. Pursuant to section 4(f) of the U.S. Department of Transportation Act of 1966, coordination with Refuge staff would be required relative to these concerns and others that may become apparent if a project is proposed for this stretch of highway.

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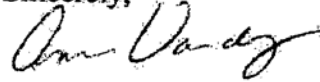
that may affect these species or designated critical habitat would require consultation with the Service pursuant to section 7 of the Endangered Species Act of 1973.


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Although the Service has responsibility for a number of trust resources in the TRED study corridor, we believe that protection of those resources and future highway improvements can both be accomplished. We look forward to working with the Department if construction projects are proposed in this corridor.

Thank you for the opportunity to comment on this transportation corridor study. If you have questions, please contact Jerry Rodriguez, Project Leader, Medicine Lake National Wildlife Refuge at (406) 789-2305, or Scott Jackson, Fish and Wildlife Biologist, Montana Field Office at (406) 449-5225, extension 201.

Sincerely,



 R. Mark Wilson
Field Supervisor

Copy to: Jerry Rodriguez, Medicine Lake NWR



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

July 9, 2007



Bill Wiedenheft
Montana Fish, Wildlife and Parks
Region 6 Office
54078 US Highway 2 W
Glasgow, MT 59230

**Subject: Information Request for Environmental Assessment
MT 1-10(61)645
Culbertson-E to North Dakota
6388000**

**DOUBLE
SIDED**

Dear Bill Wiedenheft:

This letter is a notification that the Federal Highway Administration (FHWA), in cooperation with MDT, proposes to reconstruct Highway 2 from Culbertson to the North Dakota line as a four-lane facility. The purpose of the proposed project is to provide system continuity with routes planned along the Great Plains International Trade Corridor from Mexico to Canada. This letter is also a request for Montana Fish, Wildlife and Parks to be a Cooperating Agency for the above referenced project in accordance with FHWA regulations (23 CFR 771.111 (d)).

This proposed project has been chosen as one part of the Theodore Roosevelt Expressway, a northwestern transportation route which is part of the Great Plains International Trade Corridor. This proposed project would tie into four-lane roadways being developed in North Dakota. The Transportation Regional Economic Development (TRED) Study was completed based on identifying economic, regulatory, or operational changes that would result in traffic and safety conditions that would warrant building a four-lane on the Theodore Roosevelt Expressway. The TRED Study offers support for a four-lane design and can be reviewed at the following link:
<http://www.mdt.mt.gov/pubinvolve/us2tred/>.

The proposed project is located within the following legal descriptions:

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28N	57E	25, 26, 27, 28, 29, 30, 33, 34, 35
28N	58E	20, 21, 25, 26, 27, 28, 29, 30
28N	59E	29, 30, 32, 33, 34, 35, 36

The proposed project is expected to be phased for construction. The first phase of construction is expected to include an additional two lanes and a median parallel to the Bainville E & W project (MDT Project Number NH 1-10(29)656; Control Number 2145), which involves reconstruction on US Highway 2 from the intersection with Secondary 327 to the North Dakota border. The Bainville E & W project is scheduled to be let to contract in 2009. It is assumed that by the time


this proposed project goes to construction, the Bainville E & W project will have been constructed. The second phase of construction is expected to include reconstruction of the existing two-lane roadway from Culbertson to the west end of the Bainville E & W project to a divided four-lane roadway and would provide an additional two-lane roadway through the remainder of the Bainville E & W project.

Please indicate if Montana Fish, Wildlife and Parks has any information about threatened or endangered species or species of concern in the vicinity of the proposed project. In our preliminary review conducted during the TRED Study, we identified a number of species of concern that may be located within one miles of the study area, including Pallid Sturgeon, Piping Plover, Interior Least Tern, Whooping Crane, and Bald Eagle, in addition to several mammal, amphibian, fish, and plant species of concern.

We have received your previous comments with regard to the TRED Study (see attachment). We ask you to please inform us if our information is incorrect and we welcome you to supply any additionally helpful information or comments. Please forward additional comments specific to the proposed project to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that your agency has no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidi Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc: Ray Mengel Glendive District Administrator
Dan Smith, PE Environmental Services Bureau Chief
Tom Hansen, PE Environmental Services Engineering Section Supervisor
Kraig McLeod, PE Consultant Design
Kevin Gilbert, PE Road Design Area Engineer
Larry Sickerson Environmental Services Biologist
Heidi Bruner, PE Environmental Services
File Environmental Services
Gene Kaufman, PE FHWA
Darryl James HKM Engineering

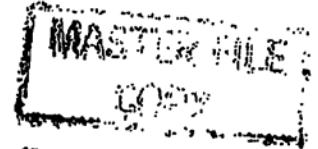


Montana Fish, Wildlife & Parks

RECEIVED
JUN 26 2006
ENVIRONMENTAL

June 22, 2006

1420 E. Sixth Avenue
P.O. Box 200701
Helena, Montana 59620-0701



Jean Riley
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

TRED Study
Theodore Roosevelt Expressway
Montana 16-Canada Border to Culbertson
& Culbertson to ND Border

Dear Jean:

The Montana Department of Fish, Wildlife & Parks has reviewed the information submitted regarding your study efforts along the identified corridor. Thank you for the opportunity to provide comments.

Development along rivers and streams can adversely affect or destroy the waterway or adjacent riparian areas. Current development practices can and are causing excessive and unnecessary damage to the banks, beds, and protective vegetation of the state's streams and rivers. The state has a duty to protect the integrity of its rivers and streams on behalf of all its citizens, and it is imperative that Best Management Practices be incorporated into construction plans and projects be designed to maintain and safeguard our natural aquatic and riparian habitats. To that end, the following recommendations are offered to protect these important areas.

- a. Development plans should first incorporate a design that avoids direct adverse impacts to these resources. If conditions are such that direct adverse impacts cannot be avoided, project features should be designed to minimize impacts. Unavoidable adverse impacts should be mitigated.
- b. Ephemeral, intermittent and perennial stream systems cross the study corridor. All efforts should be taken during pre-design through construction phases to assure uninterrupted passage of a stream's discharges to maintain the natural channel pattern, dimension and profile and temporal characteristics. These stream systems are readily observable on the maps and aerial photos provided or by a site visit.
- c. Riparian areas adjacent to these drainages should also be protected to the maximum extent practicable. If such areas cannot be avoided or will be notably be degraded in scope or quality, they should be mitigated on site and in kind. This may require MDT to develop procedures that allow the re-establishment of stream systems and riparian areas outside of existing rights-of-way.

- d. If crossings are necessary, bridges are preferred over culverts as bridges usually result in less adverse impact to a stream's features, functions, dynamic processes and its adjacent riparian habitat less than a culvert at the same location. Installation of culverts may or may not require site-specific mitigation. In general, culverts should be embedded and lengths minimized where feasible.
- e. If not already done so, the USFWS should be notified regarding any concerns related to Medicine Lake National Wildlife Refuge.

Thank you for the opportunity to provide comments and please contact me if you have any questions.

Sincerely,

Doug McDonald

Doug McDonald
Stream Protection Coordinator
Habitat Protection Bureau/Fisheries

Copy: FWP Region 6 - Bill Wiedenheft
DEQ - Jeff Ryan
COE - Allan Steinle



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

July 9, 2007

Allan Steinle, Montana Program Manager
US Army Corps of Engineers
10 West 15th Street, Suite 2200
Helena, MT 59626



**Subject: Information Request for Environmental Assessment
MT 1-10(61)645
Culbertson-E to North Dakota
6388000**

**DOUBLE
SIDED**

Dear Allan Steinle:

This letter is a notification that the Federal Highway Administration (FHWA), in cooperation with MDT, proposes to reconstruct Highway 2 from Culbertson to the North Dakota line as a four-lane facility. The purpose of the proposed project is to provide system continuity with routes planned along the Great Plains International Trade Corridor from Mexico to Canada.

This proposed project has been chosen as one part of the Theodore Roosevelt Expressway, a northwestern transportation route which is part of the Great Plains International Trade Corridor. This proposed project would tie into four-lane roadways being developed in North Dakota. The Transportation Regional Economic Development (TRED) Study was completed based on identifying economic, regulatory, or operational changes that would result in traffic and safety conditions that would warrant building a four-lane on the Theodore Roosevelt Expressway. The TRED Study offers support for a four-lane design and can be reviewed at the following link:
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existing two-lane roadway from Culbertson to the west end of the Bainville E & W project to a divided four-lane roadway and would provide an additional two-lane roadway through the remainder of the Bainville E & W project.

This proposed project is expected to cross the following waters of the US: Clover Creek, Little Muddy Creek, Redbank Creek, and Shotgun Creek. We expect that the proposed project will require a Clean Water Act Section 404 permit from your agency. As a result, we are requesting that your agency be a Cooperating Agency on this proposed project.

We have received your previous comments with regard to the TRED Study (see attachment). We request that you supply any additionally helpful information or comments. Please forward additional comments specific to the proposed project to MDT at your earliest convenience or within forty-five (45) calendar days. If we do not receive a written response within that period, we will assume that your agency has no comments or concerns.

If you have any questions, please contact me at the address in the letterhead or at 406.444.7203. I will be pleased to assist you. Thank you for your assistance.

Sincerely,



Heidy Bruner, PE
Project Development Engineer
Environmental Services

Encl.

cc:	Ray Mengel	Glendive District Administrator
	Dan Smith, PE	Environmental Services Bureau Chief
	Tom Hansen, PE	Environmental Services Engineering Section Supervisor
	Kraig McLeod, PE	Consultant Design
	Kevin Gilbert, PE	Road Design Area Engineer
	Heidy Bruner, PE	Environmental Services
	File	Environmental Services
	Gene Kaufman, PE	FHWA
	Darryl James	HKM Engineering

Corps of Engineers Comments

The Corps of Engineers submitted a further letter in comment, which has been added to the Environmental Scan, Appendix C.

To the Environmental Scan (section 3.3, p8, following paragraph 2 of that section), added:

The federal Corps of Engineers (COE) notes that that agency is responsible to review transportation projects to ensure compliance with the federal Clean Water Act. The agency has permitting authority whenever highway projects intersect wetlands under its jurisdiction, and provides coordinated review by the federal Fish and Wildlife Service and others. Generally, COE may elect to use a simpler, national permit if (a) FHWA finds the project is categorically excluded from detailed NEPA review, or (b) if no wetland fill is proposed that exceeds 0.50 acres. Alternatively, the COE conducts a project specific analysis, and evaluates alternatives against its own assessment of project purpose and needs to identify the least environmentally damaging practicable alternative. The COE commented, "If MDT ultimately submits an alternative other than the least damaging practicable alternative for a permit, denial is the likely outcome." Therefore, if an individual permit is required by the COE, it would be important for MDT, FHWA, and COE to coordinate on the purpose and need statement, the identification of alternatives carried forward for further review and selection of the preferred alternative to ensure compatibility of the National Environmental Policy Act and Clean Water Act documents.

Jean Riley, MDOT, Environmental Services Bureau
Corps of Engineers Response Letter



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
BILLINGS REGULATORY OFFICE
2602 FIRST AVENUE NORTH, ROOM 309
BILLINGS MT 59101

Please reply to attention of:

December 5, 2006

Billings Regulatory Office
Phone (406) 657-5910
Fax (406) 657-5911

RE: US 2 / MT 16 TRED Study
Corps File No. 2006-244

Montana Department of Transportation
Attention: Mr. Hal Fossum
Post Office Box 201001
Helena, Montana 59620-1001

Dear Mr. Fossum:

Reference is made to your request for comments on the initial draft of the US 2 / MT 16 TRED Study. The Montana portion of the project extends from Port of Raymond, Montana, south to Culbertson, Montana, and east to the North Dakota state line.

Under the authority of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, Department of the Army permits are required for the discharge of fill material into waters of the United States. Waters of the United States include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters.

Based on the information provided, the project area contains jurisdictional waters of the U.S., including wetlands. Wetlands along the project corridor will have to be delineated prior to any permitting or construction. However, we cannot determine at this time if an IP would be required for the 4-lane option. A condition that might require project review under IP procedures would be exceeding 1/2 acre of fill at any one crossing and/or filling of a jurisdictional water. If the project will be reviewed as an IP, it would be subject to 404(b)(1) guidelines review, which requires the least damaging practicable alternative in light of the overall project purpose as determined by the Corps.

When final design has been completed, please submit plans and a joint application to this office, along with project drawings and photographs of the proposed sites. Please also include an inventory of aquatic resources, including wetlands that may be affected by this project. The application can be downloaded from <http://www.nwr.usace.army.mil/html/ed-rmt/applications.html>, or one can be mailed to you upon request. When the application is complete, a determination will be made as to whether or not authorization will be granted. The permit decision will be based on compliance with the guidelines and the Corps analysis may give different weight to some of the information that MDT used in deciding upon their preferred alternative.

If you have any questions, please call me at the Billings office at (406) 657-5910, and reference File No. 2006-244.

Sincerely,

Shannon Johnson
Shannon Johnson
Project Manager

Printed on Recycled Paper



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA MT 59626

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DEC 22 2006

December 13, 2006

TRANSPORTATION PLANNING

Helena Regulatory Office
Phone (406) 441-1375
Fax (406) 441-1380

RE: US 2 / MT 16 TRED Study
Corps File No. 2006 - 244

Ms. Sandra Straehl
Montana Department of Transportation
P.O. Box 201001
Helena, Montana 59620-1001

Dear Ms. Straehl:

I appreciate the opportunity to meet with you and the other Montana Department of Transportation and Federal Highway Administration officials this morning to review the comments previously submitted by my office on the referenced project. This letter provides my summary of our discussion on the evaluation criteria that will guide the Corps of Engineers' review of the project.

Upon reviewing the potential regulated fills associated with the project, it appears that impacts will likely exceed nationwide general permit thresholds in some areas. The segment where Highway 16 intersects Medicine Lake National Wildlife Refuge is an example. Any individual fill in excess of 0.50 acre will exceed the threshold established in Nationwide Permit 14 for transportation crossings. If we cannot authorize the project under general permit authority, an individual permit will be required.

In order to issue an individual permit, we must conduct a project-specific analysis to determine compliance with the 404(b)(1) guidelines (40 CFR 230). The 404(b)(1) evaluation requires an alternatives analysis that identifies the least environmentally damaging practicable alternative (40 CFR 230.10(a)). Once identified, this alternative becomes the "permissible" alternative unless it is ultimately proven impracticable in light of the overall project purpose. The Corps of Engineers determines the overall project purpose. The overall project purpose must be specific enough to define the applicant's needs, but not so restrictive that it precludes a meaningful evaluation of alternatives. The overall project purpose for highway enhancement projects typically focuses on justifiable safety/capacity improvements between given endpoints of an existing corridor. If MDT ultimately submits an alternative other than the least environmentally damaging practicable alternative for a permit, denial is the likely outcome. At this stage of project review, we cannot presume the outcome of our 404(b)(1) analysis, so the preceding discussion is simply to help MDT understand our determinative criteria.

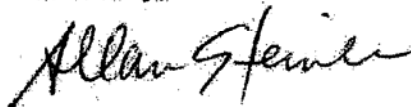
As you will note from the preceding discussion, the alternatives analysis required to satisfy Clean Water Act requirements has some important distinctions from the analysis required for National Environmental Policy Act purposes, namely identification of the least environmentally damaging practicable alternative. If an individual permit is required, it is important for our agencies to coordinate on the purpose and need statement, the identification of alternatives carried forward for further review and selection of the preferred alternative under NEPA to ensure compatibility with CWA requirements.

If FHWA signs a NEPA categorical exclusion for this project, we would have the option of using Nationwide Permit 23 to authorize associated fills. This permit does not have a fill threshold at either the site or project level, however, as we discussed this morning, we will not use it indiscriminately to authorize large amounts of fill. I cannot give you a bright line for when Nationwide 23 becomes out of bounds. It is necessarily a judgment call based on an evaluation of the amount and type of fills associated with the project, which we cannot do until a more detailed inventory of project impacts is available.

The potential impediments to CWA permitting identified above may be resolvable through project design that minimizes impacts to jurisdictional waters. Keeping fills below the 0.50-acre threshold at each site where the highways intersect jurisdictional waters will keep the project within nationwide general permit purview.

Thank you for the opportunity to comment on this TRED study during the early phases of project evaluation. Shannon Johnson, (406) 657-5910, is the Corps' project manager for this action. Please continue to coordinate with Ms. Johnson as this effort progresses. Please call me at the above number if you have any questions regarding this letter.

Sincerely,



Allan Steinle
Montana Program Manager

CF:

CENWO-OD-RMT, Billings

Ted Burch / Carl James
Federal Highway Administration
585 Shepard Way
Helena, Montana 59601



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
BILLINGS REGULATORY OFFICE
2602 FIRST AVENUE NORTH, ROOM 309
BILLINGS MT 59101

RECEIVED

JUN 28 2006

ENVIRONMENTAL

Please reply to attention of:

June 26, 2006

Billings Regulatory Office
Phone (406) 657-5910
Fax (406) 657-5911

RE: TRED Study
Corps File No. 200690476

**MASTER FILE
COPY**

Montana Department of Transportation
Attention: Ms. Jean Riley
Post Office Box 201001
Helena, Montana 59620-1001

Dear Ms. Riley:

Reference is made to your letter regarding the TRED Study for Sheridan and Richland Counties, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material into waters of the United States. Waters of the United States include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters.

Based on the information provided, the project area may contain jurisdictional waters of the U.S. which may trigger permitting requirements. It is impossible to advise you on likely permitting scenarios without detailed information pertaining to the project corridor and the scope of project impacts.

When final design has been completed, please submit plans and a joint application to this office, along with project drawings and photographs of the proposed sites. Please also include an inventory of aquatic resources, including wetlands that may be affected by this project. The application can be downloaded from <http://www.nwo.usace.army.mil/html/od-rmt/applications.html>, or one can be mailed to you upon request. When the application is complete, a determination will be made as to whether or not authorization will be granted.

If you have any questions, please call me at the Billings office at (406) 657-5910, and reference File No. 200690476.

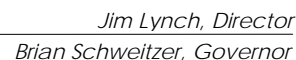
Sincerely,

Shannon Johnson
Shannon Johnson
Project Manager

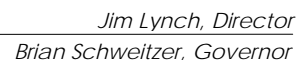
Appendix D

Public Involvement

May 9 and 10, 2007 Public Meeting



In January 2006, MDT initiated an extensive planning study involving the portions of U.S. 2 and Montana Highway 16 on the recently named Theodore Roosevelt Expressway. MDT released the final report of the U.S. 2/MT 16 Transportation Regional Economic Development (TRED) Study this month. The U.S. 2/MT 16 TRED study concludes that a four-lane configuration on U.S. 2 is justified by the need to strengthen regional connections and system continuity with adjoining states through a consistent roadway design. Additionally, the study concludes a four-lane configuration has superior capacity, safety, and economic benefits than other configurations.



— end —



Public Meetings

Discuss Proposal to Reconstruct U.S. 2 from Culbertson to the North Dakota Border

Wednesday, May 9: Culbertson - 6 - 8:30 p.m.

Culbertson High School, 423 1st Avenue W, Culbertson, MT

Thursday, May 10: Bainville - 6 - 8:30 p.m.

Bainville School, 409 Tubman, Bainville, MT

The Montana Department of Transportation will discuss its proposal to initiate the development of a four-lane highway project along U.S. 2 beginning at the intersection of MT 16 in Culbertson and proceeding east to the North Dakota border. The purpose of the meetings is to discuss the proposed project and the process to investigate potential environmental impacts from the proposed improvements.

The meeting is open to the public and will be recorded. MDT attempts to provide accommodations for any known disability that may interfere with a person's participation in any department service, program or activity. For reasonable accommodations to participate in this meeting, please contact Paul Grant, Public Involvement, at phone (406) 444-9415 at least two days before the meeting. For the hearing impaired, the TTY number is (406) 444-7696 or (800) 335-7592, or Montana Relay at 711. Alternative accessible formats of pertinent information will be provided upon request.

Comments may be submitted in writing at the meeting, by mail to Darryl James, HKM Engineering, Inc., P.O. Box 1009, Helena, MT 59624 or online at www.mdt.mt.gov/mdt/comment_form.shtml. Please indicate comments are for project CN 6388000. Comments are due by June 11, 2007.



PUBLIC INFORMATION MEETING

The Montana Department of Transportation initiated an extensive transportation planning study on portions of U.S. 2 and Montana Highway 16 in January 2006. The purpose of this meeting is to gather public comments specific to the proposed project along U.S. 2, and to outline the process and timeline for the National Environmental Policy Act/Montana Environmental Policy Act Processes. For more information, please contact Darryl James at 406.442.0370 or via e-mail at djames@hkminc.com.

PLEASE JOIN US!

Wednesday May 9, 2007
Culbertson High School

Thursday May 10, 2007
Bainville High School

Presentations to begin at
6:00 p.m.



7 West 6th Avenue, Suite 3W
P.O. Box 1009
Helena, MT 59624

PLEASE
PLACE
STAMP
HERE

The Montana Department of Transportation attempts to provide accommodations for any known disability that may interfere with a person's participation in any service, program or activity of our department. If you require reasonable accommodations to participate in this meeting, please call Paul Grant at (406) 444-7777 at least two days before the meeting. For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7592 or Montana Relay at 711.

Meetings and Comments Summary

On May 9, 2007, MDT and HKM held a public meeting to introduce the project and gather public opinion regarding issues and concerns related to transportation in the US 2 corridor between Culbertson and the North Dakota state line. The meeting was held at the Culbertson Public Schools' multipurpose room in Culbertson, Montana, from 6:00 p.m. to 8:00 p.m. There were 58 guests present at this meeting.

On May 10, 2007, MDT and HKM held a public meeting to introduce the project and gather public opinion regarding issues and concerns related to transportation in the US 2 corridor between Culbertson and the North Dakota state line. The meeting was held at the Bainville Public School's multipurpose room in Bainville, Montana, from 6:00 p.m. to 8:00 p.m. There were 25 guests present at this meeting.

The public was given the opportunity to comment. The following written and verbal comments were received:

Purpose and Need

If Bainville east is built as an improved 2-lane, will 4-lanes ever happen? ¹

Do we really need 4-lanes on Highway 2? ¹

Are we really talking about an interstate? ¹

A 4-lane is a necessity for economic growth. ¹

The Governor in N. Dakota is committed to finishing the 4 lane west of Williston, if Montana 4-lanes Highway 2. ¹

Governor Schweitzer has committed to 4-laning Highway 2. ¹

Do traffic counts classify types of vehicles? For example, oil trucks vs local vehicles. ¹

Business locates near transportation corridors. ¹

What we are talking about is a north-south route, not an east-west route. ²

A 4-lane is not necessary. ²

There is more traffic then some realize. ²

If we do not commit to the 4-lane in Montana, N. Dakota will take the 4-lanes north of Williston to Canada. ²

If we don't do a 4-lane now, we may never get it. ²

4-lanes do not save communities. ²

This is the first step to 4-lane all of Highway 2. ²

At 5:30 pm yesterday, US 2 was a commute. ²

Are the other states committed to 4-lanes? ²

98% of the businesses in the Highway 2 Corridor feel that an adequate transportation system is essential. ²

Culbertson and Bainville may not benefit, Williston will benefit. ²

The segment ½ mile on the North side of the state line is very dangerous. ³

A lot of bicycles use this road, need wider shoulders or a bike path to avoid hazardous conditions. ³

There are 5000-7000 tourists that come through the museum annually and a lot of them are bicyclers and hitch hikers—the road is too narrow for these travelers for the given speed limit. ³

From mid-April to mid-October, the Culbertson Museum has witnessed that summertime brings out the bicycler's—sometimes in groups as big as 15-20 going coast to coast, but many singles also. ³

¹ Questions and Comments received at the May 9th Meeting in Culbertson.

² Questions and Comments received at the May 10th Meeting in Bainville.

³ Written Comments received.

It is necessary to provide truck routing for the North/South Highway 16 connection-T.R. expressway does not move product through Culbertson, Highway 16 does.³
There are up to 25-35 children that live north of Highway 2 and east of Highway 16—what are you going to do to ensure the safety of these future tax payers?³

Alternatives and Design Issues

A wide 2-lane with a separated bike path is preferred.¹
Through town, an improved 2-lane with curb and gutter would be preferred.¹
Continue the 4-lanes further west.¹
How do you transition from 4-lanes to 2-lanes?¹
Look at the drainage issues in town.¹
Could parking be eliminated through town?¹
Look at a crosswalk on Highway 16 north of the US 2 intersection. There are a lot of school children that cross Highway 16.¹
In the past 9 years the number of young families have increased; (up to 25-35 school age children that live over in the neighborhoods north of HWY 2 east of HWY 16). What are you going to do to ensure safety?³
Build a 2-lane through town and try to get people to stop.¹
The US 2/Highway 16 intersection needs to be designed for trucks.¹
3rd Avenue East in Culbertson has become a truck route.¹
What happened to Highway 16 – why is that not part of the project?²
Why end the 4-lane at Culbertson?²
2-lane would be sufficient. 4-lanes seem like a waste.²
Will this become a toll road eventually?²
Will the proposed Bainville project be one section of the 4-lane highway?²
Why would you narrow the roadway through town, if you are trying to attract trucks?²
Why is railroad right-of-way treated differently than other property owners?²
Senate Bill 3 stipulates that the 4-lanes will not bypass towns.²
How will drainage be addressed?²
A super 2 is the best option for Hwy 2. A four lane would be a waste of money.³
I do not want to slow down to 25 mph for every small town. There needs to be a 4 lane to Williston by pass Culbertson and also take highway 16 around Culbertson and get rid of the truck traffic.³
No large gross median between the 2 roads if a 4 lane is used. Guard rails or nothing at all would save land owners lots of acreage.³
New alignment ¼ mile north of existing highway would eliminate bad curves and flooding to property south of the highway.³

Impact Analyses

How do you analyze the impacts to farmers?¹
How do you handle the Dry Prairie water line?¹
With an additional lane, sidewalks, curb, and gutter, what are the impacts in Culbertson going to be?¹
What are the specific right-of-way limits?²
How do we want this area to look in 20 years?²
How much land will a 4-lane take?³

¹ Questions and Comments received at the May 9th Meeting in Culbertson.

² Questions and Comments received at the May 10th Meeting in Bainville.

³ Written Comments received.

How wide are you going to make the road through Culbertson? Several businesses would be greatly reduced if a full four lane in gown goes through.³
Routing trucks through the middle of Culbertson will create difficult and unsafe conditions.³

Timing of Project

It is time for Montana to 4-lane Highway 2.¹
When would the project go to construction?¹
When will Highway 16 be addressed?²
Get started with the 4-lane process and get it done as soon as possible.³

Funding

Will there be additional funding for maintenance?¹
Where is the money for Highway 2? Billings, Helena, Butte, etc. seem to be getting funding for the transportation projects...¹
It is less expensive to build in rural areas.¹
How much will have been spent on planning and design once the highway is finally built?²

Decision-Making Process

Will the City be involved in final design?¹
What happens once the environmental document is approved?²
Who will make the decision on 4-lanes and when will that decision be made?²

¹ Questions and Comments received at the May 9th Meeting in Culbertson.

² Questions and Comments received at the May 10th Meeting in Bainville.

³ Written Comments received.

December 10 and 11, 2007 Public Meeting



Public Meetings

Discuss Environmental Assessment (EA): Culbertson to the North Dakota Border

Monday, December 10, 2007

Bainville School, 409 Tubman, Bainville, MT

Tuesday, December 11, 2007

Culbertson High School, 423 1st Avenue W, Culbertson, MT

Both Locations: Open House: 6:00 pm Presentation: 6:30 pm

The Montana Department of Transportation will discuss the current status of the Environmental Assessment (EA) being prepared for the proposed development of a four-lane highway project along U.S. 2 beginning at the intersection of MT 16 (North) in Culbertson and proceeding east to the North Dakota border. The purpose of the meetings is to discuss the preliminary identification of impacts and to update the public on the anticipated schedule for completion of the environmental review process.

The meeting is open to the public. MDT attempts to provide accommodations for any known disability that may interfere with a person's participation in any department service, program or activity. For reasonable accommodations to participate in this meeting, please contact Darryl James (406) 442-0370 at least two days before the meeting. For the hearing impaired, the TTY number is (406) 444-7696 or (800) 335-7592, or Montana Relay at 711. Alternative accessible formats of pertinent information will be provided upon request.

Comments may be submitted in writing at the meeting, by mail to Darryl James, HKM Engineering, Inc., P.O. Box 1009, Helena, MT 59624 or online at

www.mdt.mt.gov/mdt/comment_form.shtml.

Please indicate comments are for project UPN 6388 and submit comments by January 3, 2008.

**Culbertson****East to North Dakota****PUBLIC INFORMATION
MEETINGS**

The Montana Department of Transportation is conducting a meeting to discuss the progress of the Environmental Assessment for the proposed Culbertson – East to North Dakota project. The purpose of the meeting is to discuss the preliminary findings of impacts associated with the proposal to four-lane U.S. 2 from the intersection of MT 16 (north) east to the North Dakota state line. For more information, please contact Darryl James at 406.442.0370 (ext 601) or via e-mail at djames@hkmnine.com.

PLEASE JOIN US!

Monday, December 10, 2007
Bainville School
409 Tubman

Tuesday, December 11, 2007
Culbertson High School
423 1st Avenue West

Open House 6:00 p.m.
Presentation 6:30 p.m.

**Montana Department of Transportation**

c/o HKM Engineering Inc
P.O. Box 1005
Helena, MT 59624

PLEASE
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HERE

The Montana Department of Transportation attempts to provide accommodations for any known disability that may interfere with a person's participation in any department service, program or activity. For reasonable accommodations to participate in this meeting, please call Paul Grant, Public Involvement, at (406) 444-9454 at least two days before the meeting. For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7552 or Montana Relay at 711. Alternative accessible formats of pertinent information will be provided upon request.

Meetings and Comments Summary

On December 10, 2007, MDT and HKM held a public meeting to present the public with the process and timeline of the NEPA / MEPA analysis and receive feedback on these items. The meeting was held at the Bainville Public School's multipurpose room in Bainville, Montana, from 6:00 p.m. to 8:00 p.m. There were 33 guests present at this meeting.

On December 11, 2007, MDT and HKM held a public meeting to present the public with the process and timeline of the NEPA / MEPA analysis and receive feedback on these items. The meeting was held at the Culbertson Public Schools' multipurpose room in Culbertson, Montana, from 6:00 p.m. to 8:00 p.m. There were 45 guests present at this meeting.

The public was given the opportunity to comment. The following written and verbal comments were received:

Purpose and Need

Why is there a 4-lane being built in an area that over the last four years has seen a major decrease in the amount of traffic?¹

There is a rational for the Expressway—putting another 4-lane traffic system corridor through center of US as a corridor from Mexico to Canada.

Governor John in ND is committed to completing rest of 4-lane 11 miles as soon as this process is completed in Montana and MT makes a ROD to make a 4-lane.¹

I understand the importance of a 4-lane or developed 4-lane across the state, having a 4 lane is advantageous for safety but what is in it for us? It is good for Regina, Rapid City, etc. But the land owners will be the ones that put out something for something we don't necessarily want. What economic development will come to Bainville or Culbertson? What development is there and where is it at?¹

On this N/S corridor, what stage is this corridor in from Texas to Canada?¹

Support of the 4-lane from ND to Culbertson. Highways are critical and we need to have highways equal to other highways to be in existence. Traffic flow is critical. It is worth investing money to get that traffic flow on US2.¹

Trucks transport on four-lane highways. You do not get anything with a two-lane or widened two-lane. You have the potential to get something with a four lane highway.¹

Land owners will suffer some impacts but it is the same process as in ND. Ross ND was smaller than Bainville and they are getting stuff done because they jumped on an opportunity. Do you want to move forward or do you not want to move anywhere?¹

Look at the Generating Plant north of Culbertson. That is going to employ people and that has some of the same benefits as putting this four lane highway

¹ Questions and Comments received at the December 10th Meeting in Bainville.

² Questions and Comments received at the December 11th Meeting in Culbertson.

³ Written Comments received.

in. You do not know what economic development will do for you until it is there.¹

Purpose and Need (Continued)

For the first time in many years we have a governor that has wanted to do something for Eastern Montana and all we have is promises. Use the old highway for a few more years and let its life run out so we can get the four-lane. It's all for not if all we do is talk about it.²

Is the state of Montana in conversation with Regina and Canada about the Theodore Expressway? Because if they build toward Minot and we plan to build up, what will happen?²

Why is MDT building a larger HWY that has lost # of traffic?³
Support of 4 for 2.³

The business climate in the corridor will be enhanced with this study and a completion of the 4-lane highway.³

Alternatives and Design Issues

Is there a possibility that we won't build it based upon the "No Build" option?¹

Is the 66 foot footprint difficult to do?¹

This is about jobs and about safety. I want to see some economic development and with the widened 2-lane, we are not getting the full treatment of a 4 lane highway.¹

Trade between Mexico, US, and Canada is \$866 billion. It is an important consideration of this project. Does this impact your environmental study? Is the 4-lane undivided because of the wetlands?¹

How many feet or miles of sidewalk are you going to put in? I would like to see it go all the way through town.²

I do not see an option of sidewalk on only one side of the street like we have now.²

Having off street parking is a 20-foot question and will greatly increase impacts through Culbertson.²

In the section through town, will there be sidewalks with curb and gutter for stormwater or surface drain? Is it enclosed?²

It seems like with the intersection with MT 16, you will have to widen the turn radius and with four lanes going through town, will you just cut it off at the intersection?²

Sidewalk will give an excellent walking path for the people of Culbertson. I request sidewalks out as far as we can go to the East.²

Consider moving the HW #2 route to the section line ½ mile north of the State Line Bar and Casino. In 1975 a truck hit the cement blocks and at least one went across the dance floor.³

Consider bypassing Culbertson. Trying to stop a large truck going down a hill is difficult and dangerous. If it must go through town, truckers prefer the widest shoulder possible due to potential breakdowns and comfort.³

Go 4-lane all the way through in order to avoid improper lane changes in town.³

¹ Questions and Comments received at the December 10th Meeting in Bainville.

² Questions and Comments received at the December 11th Meeting in Culbertson.

³ Written Comments received.

Consider a combined approach of planning including U16 South and 2 West in order to eliminate all the corners involved.³

Impact Analyses

A lot of these drainages receive thousands of acre-feet of water; what provisions did you make to evacuate or contain the water that comes out?¹

How accurate is a school crossing survey when it is done in July?²

The big X's—what do they represent and what are they being used for?²

You talked about the number of homes, garages, land. Will they have to be moved? Is that the same for farmland? Fair market value is established by whom? Is there a process for the land owner if they disagree with the appraisal?²

Which one is the historic property?²

Are the red lines on the graphic the outside edge of the right-of-way?²

With the five houses in Culbertson, what is the process if the homeowner decides not to relocate?²

Concerned about storm water drainage near Bainville.³

Timing of Project

What is the time frame for the two lanes to be added when you say in the future?

Want to see the four-lane in the next 30 years.¹

Once we get the improved 2, we are afraid that this is all we will ever get.¹

In another 5-6 years with a different governor, if we are forgot about and there is no longer anyone pushing, then we will not get the four-lane.¹

When you don't take an opportunity it will cost you more and will come out of your pockets. Consider the value of a life and the price of a life. What is it worth? Put the four-lane in now or you may lose and pay for it later.¹

Farmers have to have semis out here and there are also school busses that can't see what is coming. We can't keep saying no we don't want to do anything. Realize some will lose land but progress has to move forward.

Can't stop progress, must look forward to what our kids will have.¹

How soon will it be built?¹

ND has a lot better and safer roads than we do. How come we are so slow at getting anything done?¹

What is the meeting on the 17th?¹

What is the time frame of this?²

If this goes through will it be split up into three segments or altogether. What is the letting process for this construction?²

I have misgivings of rebuilding the present traveled way as a widened 2 lane with the other two lanes to be constructed at a later date. How many years will that be?³

Funding

Is there money for four for two?¹

¹ Questions and Comments received at the December 10th Meeting in Bainville.

² Questions and Comments received at the December 11th Meeting in Culbertson.

³ Written Comments received.

I would like to see the money I put into the state funds be used here instead of somewhere else.¹

What is the estimate of the section for MT 16?²

Don't put off the Bainville project to wait for the 4-lane. A funded project is a lot better than waiting for appropriations for another bigger better project.³

Decision-Making Process

When will you require our final decision on which option Culbertson wants?²

Can city get a copy of the maps for the public to make a vote?²

Who has the final decision on if this will be four-lane or two-lane? Is it FHWA or MDT?²

Will these aerial photos show up on the MDT website along with the presentation?²

Do you want the people from out of town to vote on the segment through town?²

The city council members will work with MDT to determine road width options/styles.³

¹ Questions and Comments received at the December 10th Meeting in Bainville.

² Questions and Comments received at the December 11th Meeting in Culbertson.

³ Written Comments received.

Appendix E

Section 4(f) De Minimis Coordination

Section 4(f) Evaluation

This Appendix documents the evaluation of impacts to properties protected by Section 4(f) within the U.S. 2 corridor. Section 4(f) of the Transportation Act of 1966 (49 USC 303) declares that “[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that “[t]he Secretary [of Transportation] may approve a transportation program or project . . . requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park area, refuge, or site) only if:

- 1) there is no prudent and feasible alternative to using that land; and
- 2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

In general, a Section 4(f) “use” occurs when:

- Section 4(f) land is permanently acquired for a transportation facility;
- There is a temporary occupancy of Section 4(f) land that is adverse in terms of the Section 4(f) preservationist purposes; or
- Section 4(f) land is not incorporated into the transportation project, but the project’s proximity impacts are so severe that the purposes for which the Section 4(f) site exists are substantially impaired. (This use is also known as “constructive use.”)

The Section 4(f) evaluation has been prepared pursuant to the finding that the Preferred Alternative on U.S. 2 from Culbertson to the North Dakota state line would affect or “use” several historic sites. As noted in section 3.13 of this EA, impacts to these protected historic sites were avoided to the extent practicable, and impacts minimized through the selection of the narrowest alternative through Culbertson. As documented on the following pages, this use has been determined to be minor and does not affect the historic integrity of any of these sites.



U.S. Department
of Transportation
**Federal Highway
Administration**

Montana Division

February 1, 2008

585 Shepard Way
Helena, MT 59601

In Reply Refer To:
HDA-MT

Mark Baumler
State Historic Preservation Office
1410 8th Avenue
PO Box 201202
Helena, MT 59620-1202

Subject: ***De minimis Finding***
Project Name: Culbertson – East to North Dakota
Project Number: MT 1-10(61)645
Control Number: 6388

Dear Mr. Baumler:

By way of this letter, the Federal Highway Administration (FHWA) is requesting written concurrence from the Montana State Historic Preservation Office (SHPO) with the determinations of effect as identified in the attached Montana Department of Transportation letter dated January 30, 2008.

In addition to Section 106 of the National Historic Preservation Act (NHPA), FHWA must comply with the provisions of Section 4(f) of the 1966 Department of Transportation Act. Historically, Section 4(f) has required that prior to approval of any federally-funded highway project resulting in the "use" of listed or eligible historic properties under the NHPA; the FHWA must perform an avoidance analysis to determine whether there is a "feasible and prudent" alternative that would avoid the Section 4(f) resource.

In August of 2005, Section 138 of Title 23, USC was amended under the Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU). Section 6009 of SAFETEA-LU provided new legislative authority to address programs and projects with minor or 'de minimis' impacts on a Section 4(f) resource.

More specifically, Section 6009(b) (2) of SAFETEA-LU states:

(2) HISTORIC SITES.--With respect to historic sites, the Secretary may make a finding of *de minimis impact* only if--

(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that--

**MOVING THE
AMERICAN
ECONOMY**



(i) the transportation program or project will have no adverse effect on the historic site; or

(ii) there will be no historic properties affected by the transportation program or project;

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

This new provision of Section 4(f) is the basis of this letter, and of the FHWA's determination of *de minimis* impacts.

De Minimis Determination

The findings of "no adverse effect" and "no effect" reflect a conclusion that the uses identified in the attached letter will not "alter, directly or indirectly, any of the characteristics of the historic properties that qualify the properties for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association."

If you concur in the "no adverse effect" and "no effect" determinations in the attached letter, FHWA intends to make a finding that impacts to historic resources that would result from implementation of the subject project would be *de minimis* for purposes of Section 4(f), as recently amended by Congress.

Request for Concurrence

The FHWA requests the written concurrence of the Montana SHPO in the above-described finding of "no adverse effect" and "no effect" on historic resources from the subject project. This written concurrence will be evidence that the concurrence and consultation requirements of Section 6009 of SAFETEA-LU, as they will be codified at 23 U.S.C. § 138(b) (2) (B) & (C), and 49 U.S.C. § 303 (d) (2) (B) and (C) are satisfied. Concurrence can be provided by signing and dating the attached letter and returning a copy to the Montana Department of Transportation, Attn: Jon Axline, PO Box 201001, 2701 Prospect Avenue, Helena, MT 59620-1001.

Sincerely,

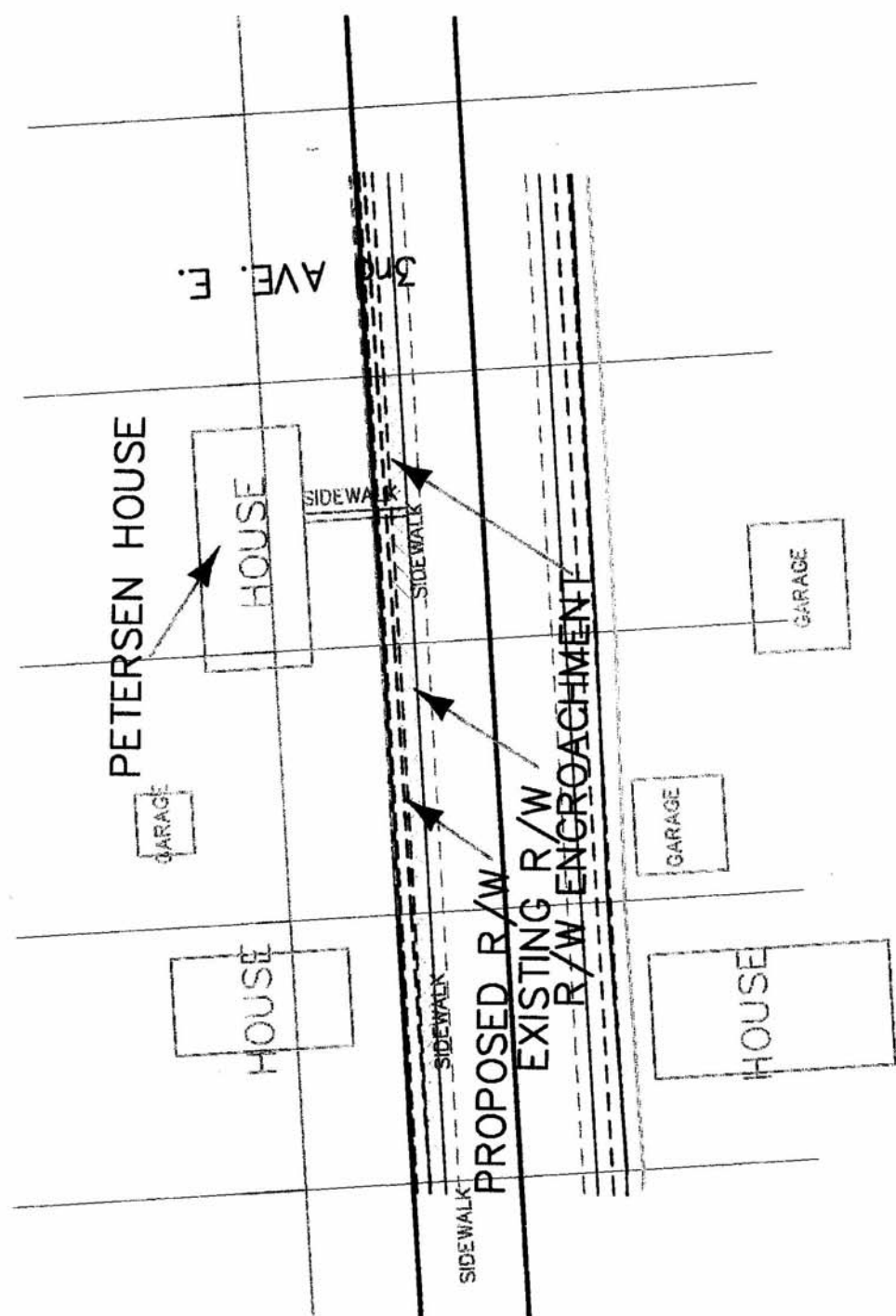


Kevin L. McLaury, P.E.
Division Administrator




Attachments

cc: Ray Mengel, P.E., MDT Glendive District Administrator
Tom Conway, P.E., MDT Consultant Design
Heidy Bruner, MDT Engineering Section
Jon Axline, Historian, MDT Environmental Services
Bonnie Steg, MDT Resources Section
Carl James, FHWA, Transportation Specialist

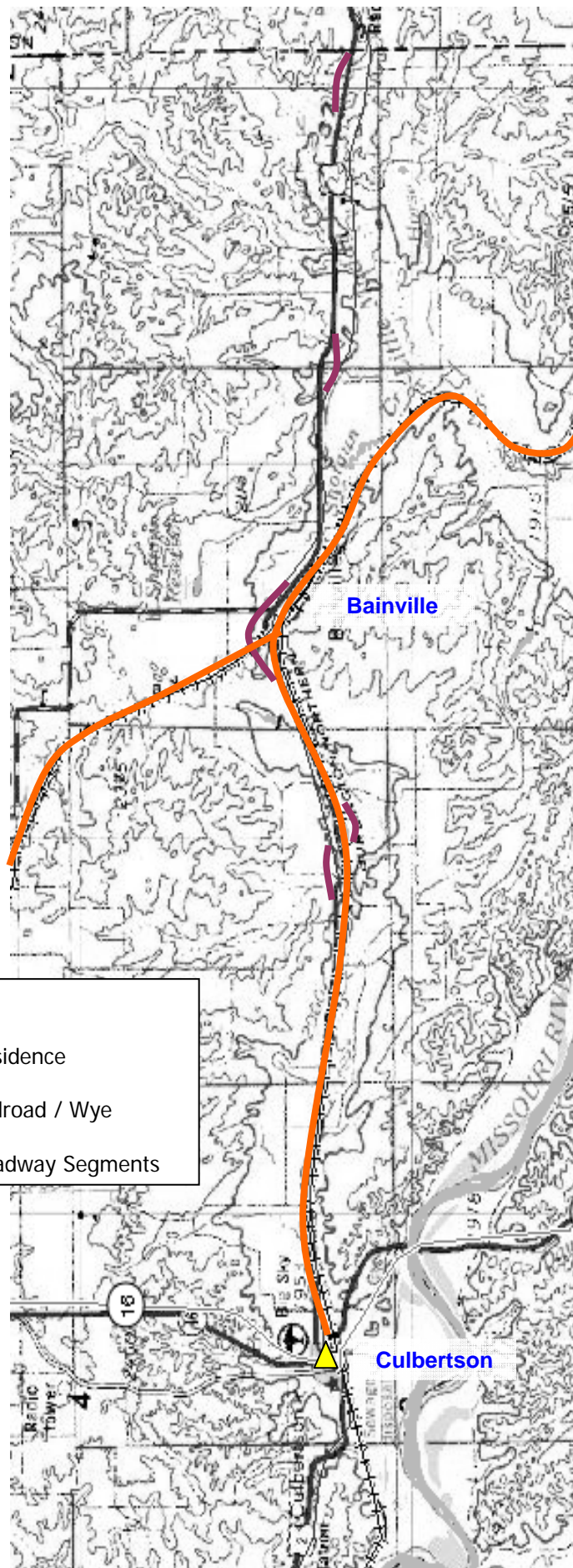
File: MT 1-10(61)645 cj/lw



Key:

-  Historic Residence
-  Historic Railroad / Wye
-  Historic Roadway Segments

North
↑



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Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

FEB 12 2008

Ench, Director
Brian Schweitzer, Governor

ENVIRONMENTAL

January 30, 2008

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

CONCUR
MONTANA SHPO

DATE 11 Feb 2008 SIGNED

Subject: MT 1-10(61)645
Culbertson - East to North Dakota
UPN 6388

Jose f
MDT
Culbertson -
E to N Dak
Roosevelt Co

Enclosed is the Determination of Effect for the above project in Roosevelt County. We have determined that the proposed project would have **No Adverse Effect** to the Peterson House (24RV789) for the reasons specified in the document.

There are several abandoned road segments are also located within the Area of Potential Effect for this project. They are two abandoned access roads (24RV661 and 24RV662), six bypassed segments of the Theodore Roosevelt International Highway/US Highway 2 (24RV665), and an Access Road (24RV669). Ordinarily the road segments would be dealt with under the terms of the Historic Roads and Bridges Programmatic Agreement. We have, however, decided to deal with these road segments outside the confines of the PA because of the requirements of Section 4(f) and the high priority of this project. Therefore, we have determined that the site 24RV665 and 24RV669 are eligible for the National Register under Criterion A for their association with the history and development of Roosevelt County and northeastern Montana. We have also determined that 24RV661 and 24RV662 are ineligible for the NRHP because of the lack of sufficient historical information to place them within the historic context of the area and because they do not retain sufficient integrity to qualify for the National Register. We realize that similar cases may require us to make determinations of National Register eligibility contrary to the PA, consequently we will begin the process to amend the PA so that 36CFR 800.4 is followed in regards to historic road segments. Based on the preliminary plans for the project, we have determined there would be **No Adverse Effect** to 24RV665 and **No Effect** to 24RV669. We request your concurrence. Because of the high profile of this project, we respectfully request that you expedite your review of the Determination of Effect.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

Enclosure

cc: Ray Mengel, P.E., Glendive District Administrator
Tom Conway, P.E., Consultant Design
Heidy Bruner, Engineering Section
Bonnie Steg, Resources Section
Carl James, P.E., FHWA

DETERMINATION OF EFFECT

MT 1-10(61)645 Culbertson – East to North Dakota UPN 6388

Introduction

The Montana Department of Transportation (MDT)) intends to reconstruct and widen 22 miles of U.S. Highway 2 in Roosevelt County, Montana. The project begins at the junction of US 2 and Montana Highway 16 (MP 645) in Culbertson and proceeds easterly 22 miles to the Montana/North Dakota border at Milepost 667. The existing roadway was constructed by the Montana Department of Transportation under several projects between 1955 and 1986. Other than an occasional overlay, there have been no significant improvements to the roadway since then. The existing roadway's driving surface is 30 to 32-feet.

The Culbertson – East to North Dakota project would generally follow the existing alignment, but the roadway would be widened to a 4-lane facility. The facility would be an undivided 4-lane through Culbertson and Bainville and a divided 4-lane facility in the rural segments of the roadway. Because the only historic property is located within Culbertson, only that segment will be addressed in this document. In Culbertson, the proposed roadway would be 56-feet wide and include two 12-foot driving lanes and two 11-foot driving lanes. The roadway would be flanked by 5-foot paved shoulders and 5-foot concrete sidewalks. Additional R/W would be required for this project.

Significant Cultural Resources

A cultural resource survey of a portion of the project area was conducted in 2000 under the MDT's Bainville – East & West project [NH 1-10(29)656]. The MDT and the Montana State Historic Preservation Office (SHPO) concurred in the National Register of Historic Places (NRHP) eligibility of one historic site: the Railroad Transfer Track & Wye (24RV657). The NRHP-eligible Great Northern Railway (24RV132) parallels US Highway 2 for much of the project length. A second cultural resource survey was conducted in 2007 to encompass the area from MP 645 to MP 656, the beginning of the Bainville – East & West project. The MDT and SHPO concurred in the eligibility of two historic properties: Oelker's Carter Service Center (24RV185) and the Peterson House (24RV789). Oelker's Carter Service Center is located west of the beginning of this project and is, therefore, outside the Area of Potential Effect (APE) of the project. It will not be discussed further in this document.

Segments of historic roads (24RV661, 24RV662, 24RV665, and 24RV669) are also located in the project area. Sites 24RV661 and 24RV662 are segments of roads that once connected the county road (now US 2) to homesteads located in its vicinity. Both roads were abandoned about 1920 and exhibit poor integrity. Both roads are ineligible for the National Register of Historic Places. Site 24RV665 is comprised of six bypassed segments of the Theodore Roosevelt International Highway/US Highway 2. The six segments have a combined length of 17,037± feet with other segments visible outside the Area of Potential Effect for this project. The segments were bypassed in 1954 when the MDT reconstructed the highway. Site 24RV665 is

eligible for the National Register under Criterion A for its contribution to the historical development of northeastern Montana. Site 24RV669 is an Access Road.

On January 7, 2005, SHPO concurred with the MDT's determination that the proposed Bainville – East & West project would have **No Effect** to the Great Northern Railway (24RV132) and **No Effect** to the Railroad Transfer Track & Wye (24RV657) as a result of the proposed MDT project. A review of the preliminary alignment and plans for the Culbertson – East to North Dakota project indicates that the 2005 determination is still valid. Neither property will be discussed further in this document.

The Peterson House was constructed in 1948 and is a Minimal Traditional-style residence with a detached garage and chicken house. Because of its high degree of architectural integrity and because it is an excellent example of the type, the Peterson House is eligible for the NRHP under Criterion C.

Project Impact

A preliminary design of the Culbertson – East to North Dakota has been completed and a copies of the plans in the vicinity of the Peterson House are attached.

At the Peterson House, the existing 32-foot roadway would be widened to 24-feet to 56-feet. The roadway would be widened 12-feet closer to the historic property. The existing/proposed centerline is 70-feet from the property, while the existing pavement edge is 54-feet from the house. The proposed pavement edge would be 42-feet from the property. The proposed R/W would be located 5-feet closer to the residence at 32-feet. All construction activities would be confined to the proposed R/W to accommodate the widening of the roadway. The existing sidewalk would be removed and replaced with a new 5-foot sidewalk that would be approximately 5-feet closer to the residence. A row of trees that appears in the attachment has died since the aerial photograph was taken has been removed. No landscape features on the property would be removed as a result of the property.

Approximately 1,505-feet of the 17,037-foot segment of the bypassed Theodore Roosevelt International Highway/US Highway 2 would be obliterated as a result of the widening of the existing roadway. The sections that would be destroyed are located adjacent to the existing R/W.

There would be no obliteration or acquisition of any of 24RV665. It is located outside the APE for this project.

Project Effect

There would be **No Adverse Effect** to the Peterson House (24RV789) as a result of the proposed MDT project. The proposed centerline would be perpetuated, but the roadway would be widened 12-feet closer to the residence. The existing pavement edge is 54-feet from the house, while the proposed pavement edge would be 42-feet from the house. The existing sidewalk would be demolished and a new sidewalk built within the proposed R/W. There would be no physical encroachment on the house itself because of the project and its current configuration and appearance would be left intact. The property would continue to function as a residence with no significant diminution of its existing function. There are no landscape features between

the roadway and the house that would be removed and the setting would remain largely intact. The house would not be isolated from its existing environment, nor would it be sold, leased or neglected because of the project. None of the criteria for adverse effect would apply in this case.

There would be **No Adverse Effect** to the bypassed segments of the Theodore Roosevelt International Highway/US Highway 2 (24RV665) as a result of the proposed project. Although 1,505-feet of the bypassed roadway would be obliterated by the widening of the existing highway, it constitutes a small part of the 17,037-feet of the old roadway located within the APE for this project. Other, much longer, intact segments located outside the APE would not be impacted by the project. The un-impacted road segments would still be visible adjacent to US Highway 2 and their significance to the history of Roosevelt County and northeastern Montana would remain intact. The segments were bypassed in 1954 and they would remain bypassed after the completion of the project. There would be no physical destruction of approximately 15,532-feet of abandoned roadway outside the roadway and the segments outside the APE would remain intact. The MDT would install an interpretive marker at the Culbertson Rest Area that describes the history and significance of 24RV665 and include maps and illustrations to enhance the text of the marker. The interpretive marker would be installed by June 30, 2010.

There would be **No Effect** to the Access Road (24RV669). No part of the abandoned roadway segment would be obliterated or otherwise impacted by the project. It would remain intact and is located outside the APE for this project.



Culbertson

East to North Dakota

Environmental Assessment & Section 4(f) Evaluation

**MT1-10(61)645
Control Number 6388**

"MDT attempts to provide accommodations for any known disability that may interfere with a person participating in any service, program or activity of the Department. Alternative accessible formats of this information will be provided upon request. For further information call (406) 444-7228 or TTY (800) 335-7592, or Montana Relay at 711."

This document may be obtained electronically from the Montana Department of Transportation website at:
www.mdt.mt.gov/pubinvolve/eis_ea.shtml
Public comments on this Environmental Assessment may also be submitted at this website address.

